Supreme Court, U.S.
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Nos. 91-155, 91-339

In The

Supreme Court of the United States

October Term, 1991

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., AND BRIAN RUMBAUGH,

Petitioners and Cross-Respondents,

v.

WALTER LEE,

Respondent and Cross-Petitioner.

On Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit

JOINT APPENDIX
VOLUME I (Pages 1-291)

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RELEVANT DOCKET ENTRIES

DATE	NR.	PROCEEDINGS
10-9-75	1	Filed Complaint and issued summons.
10-30-75	2	Filed pltf's affdvt. of personal service upon defendants of: memorandum in support of temp. and prel. injunction; OSC for pre affdvt. of Barry A. Fischer and affdvt. of John Winslow, on 10-29-75.
11-28-75	4	Filed summons & Marshal's return. New York Port Authority Eastern Airlines Served: Date: By: C. Zaffarance 11-05-75 M. Tanner 11-06-75
12-19-75	8	Filed transcript of record of proceedings, dated 10-30-75.
12-24-75		Fld 1ST AMENDED COMPLT
1-22-76		Fld deft's notice of motion for an order pur to FRCP 12(b) to dismiss the complt pur to FRCP 12(b) . . . ret 2-20-76 at 10AM.
1-30-76		Fld Pltffs' OSC for leave to further amend complt & related relied . . . ret 1-30-76 at 1030 AM Rm 1106.
1-30-76		Fld Deft's Affdvt inopposition to file an Second Amended complt.
1-30-76		Fld Order that deft Eastern Air Lines is dismissed from this litigation. W/O prej and w/o costs. . . . Carter, J mn
2-3-76		Fld Second Amended Complt for Declaratory & Inj Relief.
3-12-76		Filed transcript of record of proceedings, dated 12-11-75
3-12-76		Filed transcript of record of proceedings, dated 1-30-76

5-6-76	Filed transcript of record of proceedings, dated 2-20-76
1-17-77	Fld Opinion #45525 . . . For the reasons set forth, the motion to dismiss is granted as to deft Port Authority and denied as to deft Lee. Deft Lee is given leave to renew his motion to dismiss should pltffs fail to join necessary ptys in a reasonable time. Pltffs' motion for a prel inj. is also denied . . . The foregoing shall constitute the court's findings of Fact and conclusions of law in accordance with FRCivP 52(a). . . . It is so Ordered. . . . Carter, J. mn
10-11-77	Fld memo end on bk of Motion fld 7-18-77 – The motion to amend the complt, not opposed by deft is granted. So Ordered . . . Carter, J. mn
10-27-77	FLD FIRST AMENDED COMPLT . . . Iss Subp.
11-4-77	Fld Pltffs' affdvt of personal service of AMENDED complt upon Aeroflot Airline by Ms. Kirsnova on 11-1-77 Ozark Airlines by Mr J. Julius on 11-1-77 Aerolineas Argentinas Airline by D. Conesa on 10-28-77 Aeromexico S.A Airlines by C. Trejo on 10-28-77 Air Afrique Airline by C. Nluners on 10-28-77 Air Canada Airline by Mr. Campbell on 10-28-77

R. AirFrance Airline by Mr E. Eyt Sacaza on 10-28-77

Air India Airline by Y. Alvares on 10-28-77

Air Jamaica Airline by R. E. Gladd on 10-28-77

Air Panama Airline by P. Chempitaz on 10-28-77

Alitalia Airline by A. D. Croce on 10-28-77

Avianca Colombian Airlines by Mr. J. Thoen on 10-28-77

British Airways by T. Hill on 10-28-77

CSA Czech Airline by R. Allalouf on 10-31-77

Dominican De Aviation by E. Bauchamps on 10-25-77

Egyptair Airline *Disc. 12-28-77* by Mr A. Osman on 10-28-77

Finnair Airline by Herkert on 10-28-77

Ecuatoriana Airline *Disc. 5-15-78* by Receptionist on 11-1-77

El Al Israel Airlines Ltd by Securty Guad on 11-1-77

Icelandic Airlines Inc by R. E. Delam on 10-28-77

Iran Air by F. Kimmons on 10-28-77

Irish International Airlines by Mr. Domooe on 10-28-77

Japan Air Lines by D. Eldridge on 10-28-77

JAT Yugoslav Airlines by G. Stepanovic on 11-1-77

KLM by F. Kielman on 10-28-77

Lan Chile Airlines by Ms Migailez on 10-28-77

Lot Polish Airlines by Mr Resica on 10-28-77

Nigeria Airways by BM Duggash on 10-31-77

Olympic Airways by P.A. Postolidis on 10-28-77

Pakistan Intern. Airlines by B. Bernstein on 10-28-77

Royal Air Maroc by G. Luque on 10-28-77

So. African Airways by Mr. Kornedeger on 10-28-77

Swissair by Mr. Ledermann on 10-28-77

TAP Port. Airways by M. Countnho on 10-28-77

TAROM by G. Teodoresey on 10-28-77

Varig by H. Bernardo on 10-31-77

VIASA by S. Alba on 10-31-77

Allegheny Airlines by Mr. McCahley on 10-28-77

American Airlines by D. Munoz on 10-31-77

Braniff Intern. Airways by R. de Merias on 10-31-77

Eastern Airlines by Mrs Wheelan on 10-28-77

No Central Airlines by E. O. Connor on 10-31-77

Northwest Airlines, Inc by M. O'Connell on 10-28-77

Pan Ameican World Airways by R. A. Fisher on 10-28-77

Piedmont Airlines by V. Dieringer on 10-28-77

Trans World Airlines by person authorized on 10-31-77

United Airlines by D. Armato on 10-28-77

11-15-77 Fld Deft Swissair's motion for summ judg. . . . etc. . . . ret 11-25-77-10AM

11-18-77 Fld Amended Summs with Marshal's ret.

Sabena by R. Cohen on 11-2-77

Southern Airways by P. Ingham on 11-1-77

Air New England by N. Ashley on 11-1-77

Lufthansa German Airlines by D. Langon on 11-1-77

N.Y. Airways, Inc by J. Walsh on 11-1-77

Scandianavian Airlines Sys. by L. Rizzo on 11-2-77

Iberia Airlines of Spain by Otto on 11-2-77

Trans Mediterranean Airway by G. Ferrari on 11-7-77.

11-21-77 Fld Affdvt of Service of Complt & Summs upon:
Delta Airlines by Ms B. Langman on 11-4-77
Ozark Airlines by Ms D. Rodetis on 11-4-77

11-30-77 Fld Pltffs' memo of Law in opposition to deft Swissair's motion for summ judg.

12-2-77 Fld Answer of Deft Nigeria Airway. bf

12-16-77 Fld Deft Icelanic Airlines, Inc's answer to 1st suppl complt. sc

12-28-77 Fld Stip & Order of Discontinuance as to deft Egyptair. . . . Carter, J.

1-5-78 Fld Deft Walter Lee's ANSWER.

1-27-78 Fld Stip & Order of Discontinuance as to deft Avianca Colombian Airlines . . . Carter, J.

2-2-78 Fld Opinion #46852 . . . Accordingly, Deft's motion for summ Judg on failure to state a claim a . . . etc . . . is denied . . . Carter, J. mn

2-22-78 Fld Deft Air Canada, Air Jamaica, Air Panama et al's answer complt . . . sk

3-21-78 Fld Deft KLM's answer to 1st Amended Complt. sk

3-21-78 Fld Deft Swissair's answer to Complt. zrp

3-22-78 Fld Stip & Order of Dismissal as to Deft Dominicana Airlines w/o prej. Carter, J.

3-22-78 Fld Deft Lot Polish airlines's answer to 1st Amended Complt. sk

3-23-78 Fld Defts Air India, E. Al Israel Airlines, Ltd Iberia Airlines of Spain, Irish International Airlines, Japan Airlines, LAN-Chile Airlines, Pakistan AInternational Airlines., SAS., Sabena Belgian World Airlines, Varig Airlines., and Viasa-Venezuelan Internaional Airway (collectively, "these defts") 's ANSWER to 1st Amended complt. jrgsb

3-28-78 Fld Deft Air France's Answer. bejh

4-5-78 Fld Defts Aerolineas Argentinas et al's Motion to dismiss . . . ret 4-21-78-10AM Rm 2703

4-5-78 Fld Defts Aerolineas Argentinas et al's Memo to dismiss

4-6-78 Fld Stip & Order of Discontinuance as to Deft Iran Air with Prej . . . Carter, J.

4-6-78 Fld Stip & Order of Discontinuance as to Deft Tap-Portuguese Airway. Carter, J.

4-10-78 Fld Deft Air Afrique's Answer to Complt. bejh

4-27-78 Fld Stip & Order of Discontinuance as to deft Air Panama with prej . . . Carter, J.

4-27-78 Fld Stip & Order of Discontinuance as to deft Royal Air Maroc with/prej. Carter, J.

4-27-78 Fld Stip & Order of Discontinuance as to deft Finnair with/prej. Carter, J.

4-27-78	Fld Stip & Order of discontinuance as to deft British W.I. Airways w/prej. Carter, J.
4-27-78	Fld Stip & Order of Discontinuance as to deft Olympic Airways, S.A. w/prej. Carter, J.
5-15-78	Fld Stip & Order of Discontinuance as to Deft Ecuatoriana . . . Carter, J.
5-18-78	Fld Pltffs' memo in opposition to defts Aero Argentinas, et al's motion to dismiss the 1st amended complt.
5-25-78	Fld Pre Trial Schedule Order . . . Carter, J.
5-26-78	Fld Memo End on Motion fld 4-5-78 Motion denied for reasons stated in open Court . . . It is so Ordered . . . Carter, J mn
6-8-78	Fld Stip & Order of Discontinuance as to deft AErolineas Argentinas ONLY . . . Carter, J.
6-23-78	Fld Defts Alitalia Airlines and Lufthansa German Airlines's Answer. hr
6-27-78	Fld Notice of Reassignment to Judge Sand nm
7-13-78	Fld Pltffs. Request to enter default.
7-20-78	Fld Stip & Order as to dft. CSA Czechoslovak Airlines this action is discontinued with prejudice, etc. So Ordered Sand J.
7-20-78	Fld stip & Order of discontinuance as to dft. Lot Polish Airlines with prejudice & without costs. So Ordered Sand J.

7-20-78	Fld stip & order of discontinuance as to dft. South African Airways with prejudice & without costs, etc. So Ordered Sand J.
7-20-78	Fld stip & order of discontinuance as to dft. Air Jamaica with prejudice & without costs, etc. So Ordered Sand J.
9-26-78	Fld Notion of reassignment to Judge Lowe. (MN)
12-18-78 –	Filed Stip and order of discontinuance against deft. Air Afrique without costs to either pty. LOWE, J.
1-3-79	Filed Stip and order of discontinuance as to New York Airways, Inc. deft., with prejudice and without costs to either pltffs or deft. N.Y. Airways, Inc. LOWE, J.
1-31-79	Filed Stip and order of discontinuance as to deft. North Central Airlines, Inc. LOWE, J.
2-6-79	Filed Deft. Walter Lee's ans. and responses to pltffs' "First set of interrogs to deft. Port Authority of N.Y. and N.J. Walter Lee.
2-14-79	Filed deft. Lee's memorandum of law in response to the Ct's request for a memorandum setting forth deft. Lee's position with regard to the alleged constitutional right of pltffs to distribute liturature and solicit donations inside the various terminal bldgs of Kennedy, LaGuardia and Newark airports.

02-20-79 – Filed stip and order of dismissal as against deft VIASA-VENEZUELAN AIRLINES ONLY. and without costs to eithe pltffs or deft VIASA. So Order. LOWE, J.

02-20-79 – Filed stip and order of dismissal as against deft PAKISTAN INTERNATIONAL AIRLINES ONLY. with prejudice and without costs to either pltffs or deft PAKISTAN. So Ordered. LOWE, J.

5-23-79 Filed Stip and order of discontinuance as to deft. El Al Israel Airlines Ltd. with prejudice and without costs to either pty. LOWE, J.

7-31-79 Filed Pltffs. Affdvt. and motion for Preliminary Inj. ret. 8-17-79.

7-31-79 Filed Stip of dismissal against deft. Nigeria Ariways Ltd. with prejudice and without costs to either pltffs or deft. Nigeria Airways Ltd. LOWE, J.

11-7-79 Filed deft. Lee's Affdvt. by M. Sloane, in opposition to pltffs' motion for a preliminary Inj.

11-8-79 Filed defts. notice of motion to dismiss for lack of subject matter jurisdiction ret. 11-30-79.

3-11-81 Filed Transcript of record of proceedings, dated 1-30-81.

7-23-82 Fld Memo Opinion & Order #53452 . . . Defts motion to dismiss the amended complt for lack of jurisdiction is denied. Pltffs motion for prel inj relief is denied . . . Lowe, J. m/n

9-29-82 – Fld Air Canada Group of defts Notice of Motion to amend this Courts Memo Opinion & Order of 7-21-82 to incl a certification purs to 28 USC 1292(b) . . . etc . . . ret: 10-5-82

10-5-82 – Fld pltffs opposition to motion for certification

1-10-83 Filed Transcript of record of proceedings, dated 9-7-82

4-19-83 Fld Memo Opinion & Order #54571 . . . Deft airlines motion for an amendment of the memo opinion & order of 7-21-82 to permit an interlocutory appeal of the state action issue purs to 28 USC 1292(b) is granted . . . The Court's Memo Opinion of 7-21-82 is amended as indicated . . . Lowe, J. m/n

6-13-83 – Fld true copy of order from USCA that the motion to grant leave to file an interlocutory appeal is granted . . . Clerk, USCA m/n

4-20-84 – Fld True copy of U.S.C.A. order and opinion ordered that the appeal remanded without costs to either party to the District Court for further proceedings consistent with the opinion . . . So ordered . . . Clerk, U.S.C.A. copy sent to Lowe, J.

5-8-84 – Filed ORDER that this action is referred to Mag. Dolinger for purposes indicated. Each deft is to submit a separate Pre trial Order with Pltff . . . So Ordered, Lowe, J.

5-24-84 PRE-TRIAL CONFERENCE HELD BY Mag. Dolinger

7-6-84	–	Fld Deft Lufthansa German Airlines notice of motion for a protective order purs to Hague Evidence Convention ret 8-1-84
8-1-84	–	Fld Stip & order of dismissal against Deft Lan-Chile Airlines with prej, and without costs . . . So ordered . . . Lowe, J.
8-6-81	–	PRE-TRIAL CONFERENCE HELD BY MAG DOLINGER
8-10-84	–	Fld Order that that pltffs application to modify order of 8-7-84 is denied . . . So ordered Mag Dolinger
8-17-84	–	Fld Pltffs motion for a protective order
8-27-84	–	Fld Order that pltffs application is granted and reply papers shall be served and fld by 9-6-84 . . . So ordered- . . . Dolinger Mag.
8-29-84	–	Fld Air Canada Group brief in opposition to pltffs motion to amend complaint
8-29-84	–	Fld Air Canada Group brief in opposition to pltffs motion for protective order
9-11-84	–	Fld opinion & Order 56612, that defts motion for a protective order is denied and deft shall comply with pltffs notice for production of docs within 2 weeks . . . So ordered . . . Dolinger Mag . . . csc.
9-25-84	–	PRE-TRIAL CONFERENCE HELD BY MAG DOLINGER
9-26-84	–	Fld order that Air India group defts may file a response before 10-2-84 . . . pltff shall serve motion for a protective order by 10-5-84 . . . defts shall serve and file a response by 010-12-84 . . . discovery is to be done by 12-31-84 . . . So ordered Dolinger Mag m.n csc
10-9-84	–	Fld pltffs motion for protective order with respect to second set of interrogs

10-15-84	–	Fld Defts Affidavit in opposition of pltffs motion for a protective order . . .
10-15-84	–	Fld Air India Deft memo of law to pltffs for a protective order . . .
11-1-84	–	Fld Air India Group of Defts affidavit of Philip Le B. Douglas in re pltffs motion for a protective order
2-28-85	–	Fld Opinion #57308 ordered that pltffs motion for a protective orders relieving them of the obligation to Answer a vast body of interrogs propounded by 2 groups of defts . . . motion is granted . . . So ordered . . . Dolinger, Mag m.c
3-7-85	–	Fld Magistrates Report & Recommendation that pltffs motion to serve & file complaint (amended) in form as indicated be granted except with respect to the form of identification of the Supt. of Port Authority Police . . . Dolinger, Mag m/c
3-11-85	–	Fld Air Canada Notice of motion for an order rejecting decision of Mag Dolinger ret 3-27-85 . . .
3-12-85	–	Fld Deft Air India Objections to Opinion and order of Mag. Dolinger Rec. Night Deposit 3-11-85
3-18-85	–	Fld Defts notice of motion with supporting papers for an order rejecting certain aspects of Report & Recommendation of Mag M.H. Dolinger ret 4-4-85
3-18-85	–	Fld Defts Objections to Report & Recommendation of Mag Dolinger
3-18-85	–	Fld Air India Defts Objections to report & Recommendation of Mag Dolinger
4-9-85	–	Fld pltffs response to defts objection to Mag Dolinger Report & Recommendation of 3-7-85

4-15-85 – Fld pltffs response to objections of Air Canada & Air India in re Mag Dolingers Opinion & order of 2-27-85.

6-4-85 – Fld order that all discovery is to be completed by 6-10-85 . . . So ordered . . . Dolinger, cmc

6-4-85 – Fld Partial Stip and order of Dismissal against Braniff Inc. . . . with prej and costs . . . So ordered . . . Lowe, J.

6-4-85 – Fld Partial Stip and order of dismissal against Air Canada . . . with prej and without costs . . . So ordered . . . Lowe, J.

6-4-85 – Fld Stip and order of Partial dismissal against Republic Airlines . . . without costs . . . So ordered . . . Lowe, J.

8-19-85 – Fld. Pltff's in opposition to Airline Defts' motion to dismiss.

8-23-85 – Fld. pltff's declaration of Brian Rumbaugh in opposition to defts' motion to dismiss and exhibits.

6-02-87 – Fld. Order on Defendant's motions to dismiss. If any party intends to file a dispositive motion other than with respect to the state action issue, it shall do so by no later than 7/31/87, if no such motion is filed, the parties shall submit a joint pre-trial order by 8/31/87 . . . So Ordered Mag. Dolinger CMC RFG

6-01-87 – Fld. Report and Recommendation to Judge Lowe, Defendants' motion to dismiss for lack of subject matter jurisdiction be denied. Pursuant to Rule 7, the parties shall have ten days from this date to file written objections to this report and Recommendation. Such objection shall be filed with the Clerk of the Court,

with extra copies delivered to the Chambers of the Honorable Mary Johnson Lowe, Room 803 and to the chambers of the undersigned, Room 503. Mag. Dolinger RFG CMC

6-10-87 – Fld. deft's obj's to Magistrates report and recommendations. GC

6-11-87 – Fld. Air India deft's statement of obj. to opinion and order of Mag. Dolinger . . . GC

6-11-87 – Fld. Air Canada's affidavit of William H. Boice . . . in support of motion . . . GC

6-11-87 – Fld. Air Canada's deft's notice of motion- . . . for an order rejecting in its entirety the report and recommendatation issued by Mag Dolinger . . . GC

6-15-87 – Fld. Air India deft's statement of obj. to opinion and order of Mag Dolinger (org. to Judge Lowe) GC

6-15-87 – Fld. deft. Lufthansa German Airlines's statement of obj. to report and recommendation to Mag Dolingers report. GC

6-17-87 – Fld deft. Lee's notice of motion . . . for a order rejecting the portions of the Report and Recommendation of Mag. Dolinger . . . ret. 6-30-87. GC

6-24-87 – Fld. pltff's repsonse to obj. to report and recommendation of Mag. Dolinger . . . GC

11-10-87 – Fld. Stip and Order . . . Sabena Belgian World Airlines is dismissed from the action as a party . . . LOWE, J. GC

11-12-87 – Fld. pltff's brief . . . in support of motion for summary judgment. GC

11-12-87 – Fld. pltff's statement of facts in support of motion . . . for summary judgment. GC

11-12-87 – Fld. pltff's notice of motion . . . for summary judgment . . . ret. 12-21-87. GC

1-19-88 – Fld. deft. Lufthensa German Airlines' brief in opposition to pltff's motion for summary judgment . . . GC

1-19-88 – Fld. defts affidavit of Anthony A. Santangelo . . . in opposition to motion for summary judgment . . . GC

1-19-88 – Fld. deft. Sup. of Pt. Authority Police's memo of law in opposition to pltff's motion for summary judgment . . . GC

1-19-88 – Fld. deft's affidavit of Morris Sloane . . . in opposition to pltff's moiton for summary judgment . . . GC

1-19-88 – Fld. certain deft's affidavit of William H. Boice . . . in support of memo of law in opposition to motion for summary judgment . . . GC

1-20-88 – Fld. Air India deft's statement purs. to rule 3(g) GC

1-20-88 – Fld. deft. Air India affidavit of Leif Andersson . . . in opposition to pltff's motion for summary judgment . . . GC

1-20-88 – Fld. Air India deft's memo of law at opposition to pltff's motion for summary judgment . . . GC

3-16-88 – Fld. pltff's reply to oppostion of Superintendnt of Port Authority Police to motion for summary judgment . . . GC

3-31-88 – Files Transcript of record of proceedings, dated 3-25-88

4-22-88 – Fld. deft's supplemental memo of law in opposition to pltff's motion for summary judgment . . . GC

4-22-88 – Fld. deft's supplemental affidvit of Morris Sloane . . . in opposition to pltff's motion for summary judgment . . . GC

4-22-88 – Fld. deft's supplemental affidavit of Frederick V. Hurst Jr. in opposition to pltff's motion for summary judgment . . . GC

5-10-88 – Fld. Stip and Order of Settlement agreement and release . . . Airline deft's will pay to pltff's the total sum of $165,000.00 within 30 days of the date . . . with prejudice with each party to bear its own costs . . . LOWE, J. cm GC

10-25-88 – Fld. REPORT AND RECOMMENDATION . . . pltff's motion for summary judgment be granted . . . the parties shall have 10 days from teh date to file written objections to the Report and Recommendation . . . such objections ahll be filed withe the clerk of the Court. with extra copies delivered to the chambers of Mary Johnson
Lowe . . . MAG. DOLINGER cmc 10-25-88 GC

12-14-88 – Fld. deft's memo of law . . . in support of deft's objections to Magistate's report and recommendation. GC

12-14-88 – Fld. deft's objections to Magistrate's report and recommendatoin. GC

12-14-88 – Fld. deft's reply affidavit of Morris Sloane . . . in opposition to pltff's motion for summary judgment and for a permanent inj. GC

12-30-88 – Fld. plff's response to Port Authority's objection to report and recommendation of Mag. Dolinger granting pltff's motion for summary judgment. GC

12-30-88 – Fld. pltff's declaration of David M. Liberman . . . in support of pltff's reponse to Port Authority's objection to the report and recommendation of Mag. Dolinger GC

9-18-89 – Fld. OPINION AND ORDER #64894 . . . Plaintiffs Motion for summary judgment is granted . . . LOWE J, cm DO.

10-19-89 – Fld. JUDGMENT, . . . that defts and each of them, and their agents, srevants, attnys and employees are permanently enjoined from enforcing or attempting to enforce, . . . LOWE, J. eod: 10-23-89 NW

10-23-89 – Fld. Stip & Order, . . . that the time for either party to make an app. for attnys fees . . . shall be extended until a reasonable time and in no event less than sixty days after all appeals or other review in this action have become final . . . LOWE, J. NW

11-8-89 – Fld. DEFT NOTICE OF APPEAL to the U.S.C.A. for the second circuit, from the final judgment on 10-23-89.

11-24-89 – Fowarded copy of notice of appeal and docket sheet entries to court of appeals and copy of notice of appeals to the district court judge. NW

1-11-90 – Fld. Stip & Order of Record on Appeal, . . . LOWE, J. NW

1-17-90 – Fld. Notice that the record on appeal in the action has been transmitted to the U.S.C.A. for the second circuit on 1-17-90. NW

5-10-91 – Fld True Copy of U.S.C.A. MANDATE: It is Ordered, adjudged & decreed that the judgment of said District Court be and it hereby is affirmed in part, reversed in part in accordance with the opinion of this court. ELAINE B. GOLDSMITH, CLERK. EOD: 5-21-91. GQ

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC. and JOHN WINSLOW, on behalf of themselves and all International Society for Krishna Consciousness members, Plaintiffs, v. NEW YORK PORT AUTHORITY and EASTERN AIRLINES and WALTER LEE, Chief of Port Authority Police, individually and in official capacity, Defendants.	NO. 75CIV538RLC COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I

INTRODUCTION

1. This is a Civil Rights suit for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 2201-02, brought by the Hare Krishna Society to enjoin enforcement of three New York Port Authority licensing regulations which are standardless and unconstitutional both on their face and as construed and applied to the distribution of religious literature and solicitation of donations in those portions of Kennedy, LaGuardia and Newark International Airports open to the general public. The regulations at issue are defective because they vest discretion in officials to grant or deny licenses for the exercise of First Amendment rights, without definitive, narrow, and objective standards to govern such discretion. Plaintiffs seek temporary injunctive relief so that they may proceed with their proselytizing which is the very mainstay and lifeblood of their religious movement.

II

JURISDICTION

2. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 (Federal Question) and 1343 (3-4) (Civil Rights). The matter in controversy exceeds $10,000.00, exclusive of interest and costs.

III

PARTIES

Plaintiffs

3. INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC. (hereinafter "ISKCON" or "Hare Krishna Society") is an international religious society which espouses the religious and missionary views of Krishna Consciousness. It is duly organized as a non-profit religious corporation under the laws of the State of New York and maintains temples and schools in cities throughout the United States and world, including New York, New York.

4. JOHN WINSLOW is the President of the New York Temple of ISKCON. He has been a devotee of the religion for four years and was ordained as a priest in 1972. His spiritual name, the name he is commonly known as, is GOPIJANAVALLAVA DAS BRAHMACARY. JOHN WINSLOW performs religious missionary work in public places and wishes to continue doing so, including in the public portions of Port Authority's Airports.

Defendants

5. NEW YORK PORT AUTHORITY is a public corporation with principal offices in the Southern District of New York, created in 1921 by agreement between the States of New York and New Jersey. McKinney's Consolidated Laws of New York, §§ 6401, 6404. The NEW YORK PORT AUTHORITY operates Newark, Kennedy, and LaGuardia Airports and maintains its own police force

which is charged with law enforcement. The Port Authority police are expressly provided with the powers of "peace officers". New York Code of Criminal Procedure, § 154. As such, they are charged with the implementation and enforcement of the regulations at issue in this complaint, including the arrest of those in violation. Walter Lee is Chief of Police.

6. EASTERN AIRLINES is a Delaware corporation with executive offices in the Southern District of new York. EASTERN AIRLINES is a Port Authority lessee at Kennedy, LaGuardia and Newark Airports.

7. The acts and practices of the Defendants herein and their agents, as herein alleged, were performed under code or law, and, therefore constitute actions of the State within the meaning of the Fourteenth Amendment to the United States Constitution.

IV

FACTS

8. The Hare Krishna Society imposes on its members the duty to perform a religious ritual known as Sankirtan, which consists of soliciting and accepting donations and contributions while disseminating religious literature and information in public places. Sankirtan is directed to spreading religious truth as it is known to the Kare [sic] Krishna Society, attracting new members, and supporting the Society's religious activities. Donations and book sales are the very lifeblood and principal means of support of this religious movement. The

devotees often wear distinctive and unconventional garments, hair styles, and spiritual body markings.

9. ISKCON devotees have recently attempted to perform Sankirtan in those portions of Kennedy, LaGuardia, and Newark International Airports open to the general public. Plaintiffs seek only to distribute literature and solicit donations in terminals; they do not seek to dance, chant, or to engage in any similar conduct.

10. The Kennedy, LaGuardia, and Newark Airport terminals are operated and policed by the New York Port Authority and are thoroughfares for millions of people yearly, including millions who are not passengers.

11. The NEW YORK PORT AUTHORITY has promulgated regulations respecting the distribution of literature and solicitation of donations at Kennedy, LaGuardia and Newark Airports. New York Code of Rules and Regulations, Title 21, Chapter 24.

12. Section 1260.13 of the Port Authority Regulations provides that "No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at an air terminal without permission." Section 1260.14 states that "No person shall solicit funds for any purpose at an air terminal without permission." Section 1260.15 provides that "No person, unless duly authorized by the Port Authority, shall, in or upon any area, platform, stairway, station, waiting room or any other appurtenance of an air terminal: (a) sell, or offer for sale any article or merchandise; (d) [sic] solicit alms."

13. Section 1260.1(h) provides that "Permission shall mean permission granted by the manager, unless

otherwise specifically provided." Section 1260.1(e) states that "Manager shall mean the Port Authority manager or other Port Authority official in charge of an air terminal, or his duly authorized representative." No standards whatsoever are included to guide the discretion of the manager or his delegate.

14. The NEW YORK PORT AUTHORITY recognizes that Plaintiffs may distribute literature and solicit donations in the public portions of the Kennedy, LaGuardia and Newark terminals. However, the Port Authority's position is that it loses its jurisdiction once it leases lobbies and other public portions of the terminals to tenants such as EASTERN AIRLINES. The power to grant or deny permission to engage in First Amendment conduct as provided in the above-referred to regulations is considered by the Port Authority to be delegated to its lessees such as EASTERN AIRLINES.

15. Accordingly, the Port Authority has refused to give Plaintiffs permission to practice Sankirtan in public portions of the airports such as lobbies which are leased to EASTERN AIRLINES and other carriers.

16. EASTERN AIRLINES has informed Plaintiffs that, while Plaintiffs might distribute literature, they are prohibited from soliciting donations in those portions of the terminal open to the general public but leased to EASTERN AIRLINES.

17. Plaintiffs have been informed by Port Authority police that, without EASTERN AIRLINES' permission, they are subject to arrest at the Eastern terminals for trespass. No prosecutions are presently pending against

Plaintiffs respecting the regulations at issue in this case or for trespass.

18. EASTERN AIRLINES' position respecting Kennedy, LaGuardia and Newark Airports differs from its position at the Boston International Airport where the same Port Authority-Lessee relationship pertains. The Massachusetts Port Authority recently recognized Plaintiffs' right to distribute literature and solicit donations in terminals, but deferred to EASTERN AIRLINES as to whether it would be allowed in the EASTERN AIRLINES terminal. The EASTERN AIRLINES manager at Boston International Airport readily agreed to Plaintiffs' Sankirtan, including solicitation of donations, to an extent equal to that acknowledged by the Massachusetts Port Authority.

19. The regulations at issue, on their face and as construed and applied to prohibit the distribution and sale of religious literature by members of a religious organization, without a permit for which no narrow or definite standards are specified, substantively and procedurally abridges the exercise of freedoms of speech and press, arbitrarily deprives persons of their liberty and property without due process of law, capriciously denies the equal protection of the laws, and is vague, ambiguous and overbroad, all in violation of the First and Fourteenth Amendments to the United States Constitution.

V

EQUITY AND IRREPARABLE INJURY

20. There is between the parties an actual controversy as hereinbefore set forth herein. The Plaintiffs are suffering irreparable injury and are threatened with irreparable harm in the future by reason of the acts herein complained of and a substantial loss or impairment of freedom of expression has occurred and will continue to occur so long as Defendants' conduct continues. Plaintiffs will be harassed and intimidated by Defendants and their agents utilizing the ordinances at issue so long as they continue to proselytize at the Kennedy, LaGuardia and Newark Airports. Furthermore, the chilling effect upon the exercise of First Amendment rights may derive from the fact of threats of prosecution unaffected by prospects of its success or failure.

21. Plaintiffs have no plain, adequate or complete remedy to speedily redress the wrongs herein complained of other than this action. Any other remedy to which Plaintiffs could be remitted would be attended by such uncertainties and delays as to deny substantial relief, involve a multiplicity of suits, and cause further irreparable injury, damage and inconvenience to the Plaintiffs and to those similarly situated. The award of damages to Plaintiffs is not adequate to protect them from the continuing police conduct and the chilling effect it has upon the exercise of Plaintiffs' constitutional rights.

VI

RELIEF

WHEREFORE, Plaintiffs pray that this Court:

1. Declare that the New York – New Jersey Air Terminals Regulations [New York State Code of Rules and Regulations, Title 21, Chapter 24, Sections 1260.13-1260.15], on their face and as construed and applied to prohibit the distribution or sale of Plaintiffs' religious literature by members of a religious organization, abridges the free exercise of religion and the freedoms of speech and press, contrary to the First and Fourteenth Amendments to the United States Constitution;

2. Temporarily and permanently enjoin the Defendants from arresting or participating in the arrest of Plaintiffs or their membership for violation of the New York – New Jersey Air Terminals Regulations [New York State Code of Rules and Regulations, Title 21, Chapter 24, Section 1260.13-1260.15], and from any way interfering directly or indirectly with Plaintiffs' right to be in the public portions of the Kennedy, LaGuardia or Newark Airports, including arresting or participating in Plaintiffs' arrest for trespass, where Plaintiffs or their membership are engaged in the peaceable dissemination of literature or solicitation of donations or sales in any portions inside or outside of the terminals generally open to the public; and

3. Grant Plaintiffs' attorney's fees, costs and such other and further relief as may be equitable and just.

DATED: October 29, 1975.

FLEISHMAN, McDANIEL,
BROWN & WESTON
and
KOMMEL, ROGERS, KAUFMAN,
LORBER & SHENKMAN

By /s/ Barry A. Fisher
BARRY A. FISHER

By /s/ Jon M. Kaufman
JON KAUFMAN
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., and BRIAN RUMBAUGH on behalf of themselves and all International Society for Krishna Consciousness, Inc. members,

Plaintiffs,

-against-

WALTER LEE, Superintendent of the Port Authority Police, individually and in his official capacity, AEROFLOT SOVIET AIRLINES, AEROLINEAS ARGENTINAS, AEROMEXICO, S.A., AIR AFRIQUE, AIR CANADA, AIR FRANCE, AIR INDIA, AIR JAMAICA, AIR PANAMA, ALITALIA, AVIANCA COLUMBIAN AIRLINES, BRITISH AIRWAYS, BRITISH WEST INDIAN AIRWAYS, CSA CZECHOSLOVAK AIRLINES, DOMINICAN DE AVIACION, ECUATORIANA, EGYPTAIR, EL AL ISRAEL AIRLINES, LTD., FINNAIR, IBERIA AIRLINES OF SPAIN, ICELANDIC AIRLINES, INC., IRAN AIR, IRISH INTERNATIONAL AIRLINES, JAPAN AIR LINES, JAT-YUGOSLAV AIRLINES, KLM ROYAL DUTCH AIRLINES, LAN-CHILE AIRLINES, LOT POLISH

Index No.
75 Civ. 5388
(RLC)

FIRST AMENDED COMPLAINT

(Filed
Oct. 17, 1977)

AIRLINES, LUFTHANSA GERMAN AIRLINES, NIGERIA AIRWAYS, OLYMPIC AIRWAYS, PAKISTAN INTERNATIONAL AIRLINES, ROYAL AIR MAROC, SABENA-BELGIAN WORLD AIRLINES, SAS-SCANDINAVIAN AIRLINES, SOUTH AFRICAN AIRWAYS, SWISSAIR, TAP-PORTUGUESE AIRWAYS, TAROM ROMANIAN AIRLINES, VARIG AIRLINES, VIASA-VENEZUELA INTERNATIONAL AIRWAYS, AIR NEW ENGLAND, ALLEGHENY AIRLINES, INC., AMERICAN AIRLINES, INC. BRANIFF INTERNATIONAL AIRWAYS, DELTA AIR LINES, INC., EASTERN AIR LINES, INC., NEW YORK AIRWAYS, INC., NORTH CENTRAL AIRLINES, NORTHWEST AIRLINES, INC., OZARK AIRLINES, PAN AMERICAN WORLD AIRWAYS, PIEDMONT AIRLINES, SOUTHERN AIRWAYS, TRANS WORLD AIRLINES, and UNITED AIRLINES, INC.,

Defendants.

----------x

PLAINTIFFS, by their undersigned attorneys, individually and on behalf of all members of the International Society for Krishna Consciousness, Inc. complaining of the defendants, respectfully show to the Court and allege as follows in this, their First Supplemental Complaint herein.

I. JURISDICTION

FIRST: This is a Civil Rights action for declaratory and injunctive relief pursuant to 42 U.S.C. §1983 and 28 U.S.C. §§2201 and 2202. Plaintiffs seek to redress the deprivation under color of state law by the defendants of rights secured to the plaintiffs by the First and Fourteenth Amendments to the United States Constitution; and seek to have declared unconstitutional defendants' official policy, as hereinafter set forth more particularly, which results in the deprivation of plaintiffs' rights to speak and freely to exercise their religion. Plaintiffs seek to enjoin defendants permanently from enforcing said policies against plaintiffs.

SECOND: Jurisdiction of this Court is invoked under 28 U.S.C. §§1331 and 1343(3) and (4). There exists between the parties an actual controversy, justiciable in character, involving in excess of $10,000.00, exclusive of interest and costs.

II. PARTIES

THIRD: Plaintiff International Society for Krishna Consciousness, Inc., (hereinafter "ISKCON" or "Hare Krishna Society") is an international religious society which espouses the religious and missionary views of Krishna Consciousness. It is duly organized as a non-profit religious corporation under the laws of the State of New York and maintains temples and schools in cities throughout the United States, including New York, New York.

FOURTH: Plaintiff Brian Rumbaugh is the acting President of the New York Temple of ISKCON. He has been a devotee of the religion for seven years and was ordained as a priest in 1971. His spiritual name, the name by which he is commonly known, is Romapada das. Brian Rumbaugh performs religious missionary work in public places and wishes to continue doing so, including in John F. Kennedy, LaGuardia and Newark Airports.

FIFTH: Defendant Walter Lee is Superintendent of the police employed by the Port Authority of New York and New Jersey ("Port Authority") which is an entity created by compact between the states of New York and New Jersey in 1921. See McKinney's Unconsolidated Laws §6401 through 6404. Port Authority owns and operates John F. Kennedy and LaGuardia Airports in New York and Newark Airport in New Jersey. Defendant Lee is sued individually and in his official capacity as the Superintendent of the Port Authority Police. As such defendant Lee is charged with the principle duty of enforcing the applicable New York and New Jersey criminal laws and the regulations of the Port Authority at the Kennedy, LaGuardia and Newark Airports.

SIXTH: Defendants Aeroflot Soviet Airlines, Aerolineas Argentinas, Aeromexico, S.A., Air Afrique, Air Canada. Air France, Air India, Air Jamaica, Air Panama, Alitalia, Avianca Colombian Airlines, British Airways, British West Indian Airways, CSA Czechoslovak Airlines, Dominican De Aviacion, Ecuatoriana, Egyptair, El Al Israel Airlines, Ltd., Finnair, Iberia Airlines of Spain, Icelandic Airlines, Inc., Iran Air, Irish International Airlines, Japan Air Lines, JAT-Yugoslav Airlines, KLM

Royal Dutch Airlines, Lan-Chile Airlines, Lot Polish Airlines, Lufthansa German Airlines, Nigeria Airways, Olympic Airways, Pakistan International Airlines, Royal Air Maroc, SABENA-Belgian World Airlines, SAS-Scandinavian Airlines, South African Airways, Swissair, TAP-Portuguese Airways, TAROM Romanian Airlines, VARIG Airlines and VIASA-Venezuela International Airways are lessees or licensees of terminal space from the Port of Authority at Kennedy Airport. Each of the aforesaid airlines (hereinafter collectively referred to as Foreign-Flag Carriers) maintains executive, sales or ticket offices within the Southern District of New York.

SEVENTH: Defendants Air New England, Allegheny Airlines, Inc., American Airlines, Inc., Braniff International Airways, Delta Airlines, Inc., Eastern Air Lines, Inc., New York Airways, Inc., North Central Airlines, Northwest Airlines, Inc., Ozark Airlines, Pan American World Airways, Piedmont Airlines, Southern Airways, Trans World Airlines and United Airlines, Inc. (hereinafter collectively referred to as Domestic Flag-Carriers) are lessees or licensees of the Port of Authority at Kennedy, LaGuardia and Newark Airports. Upon information and belief, each of the Domestic Flag Carriers maintains executive, sales or ticket offices within the Southern District of New York.

III. FACTS

EIGHTH: The Hare Krishna Society imposes on its members the duty to perform a religious ritual known as Sankirtan, which consists of soliciting and accepting

donations and contributions while disseminating religious literature and information in public places. Sankirtan is directed to spreading religious truth as it is known to the Hare Krishna Society, attracting new members, and supporting the Society's religious activities. Donations and book distribution are the very lifeblood and principal means of support of this religious movement. The devotees often wear distinctive and unconventional garments, hair styles, and spiritual body markings.

NINTH: ISKCON devotees have recently attempted to perform Sankirtan in those portions of Kennedy, LaGuardia and Newark International Airports open to the general public. Plaintiffs seek only to distribute literature and solicit donations in terminals; they do not seek to dance, chant, or to engage in any similar conduct.

TENTH: The Kennedy, LaGuardia and Newark Airport terminals are operated and policed by defendant Lee and the Port Authority and are thoroughfares for millions of people yearly including millions who are not passengers. Space is leased and licensed not only to airlines but to other transportation facilities, food concessions, shops, newsstands and other businesses not directly connected to air transportation.

ELEVENTH: The Port Authority has promulgated regulations, which defendant Lee is charged with enforcing, respecting the distribution of literature and solicitation of donations at the three airports. New York Code of Rules and Regulations, Title 21, Chapter 24.

TWELFTH: Section 1260.13 of the Port Authority Regulations provides that "No person shall post, distribute or display signs, advertisements, circulars, printed or

written matter at an air terminal without permission." Section 1260.14 states that "No person shall solicit funds for any purpose at an air terminal without permission". Section 1260.15 provides that "No person, unless duly authorized by the Port Authority, shall, in or upon any area, platform, stairway, station, waiting room or any other appurtenance of an air terminal: (a) sell, or offer for sale any article or merchandise; (d) solicit alms."

THIRTEENTH: Section 1260.1(h) provides that "Permission shall mean permission granted by the manager, unless otherwise specifically provided." Section 1260.1(e) states that "Manager shall mean the Port Authority manager or other Port Authority official in charge of an air terminal, or his duly authorized representative." No standards whatsoever are included to guide the discretion of the manager or his delegate, assuming delegation to be permissible.

FOURTEENTH: The Port Authority, through its agents, including defendant Lee, has given to plaintiffs permission to distribute literature and solicit contributions only within certain limited public portions of certain of the terminals at Kennedy and LaGuardia Airports. Port Authority and defendant Lee have advised plaintiffs that no literature distribution or fund solicitation at all will be tolerated at Newark Airport and that permission to perform Sankirtan at Newark Airport is subject entirely to whatever terms and conditions may from time to time be imposed and amended by those defendant Domestic Flag Carriers respectively who lease or are licensed to use space from the Port Authority at Newark Airport.

FIFTEENTH: The Port Authority, through Defendant Lee, has refused to grant to plaintiffs permission at any of the three airports, to perform Sankirtan in any area which Port Authority has leased or licensed to any of the defendant Foreign or Domestic Flag Carriers. Plaintiffs have been told by Port Authority and defendant Lee that they are prohibited from doing so and will be arrested and prosecuted if they try to do so. Defendant Lee has the duty and authority to enforce the above regulations and all other provisions of law in areas leased and licensed to defendant Carriers and others.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS EXCEPT EASTERN AIRLINES, INC.

SIXTEENTH: At Kennedy and LaGuardia Airports, the Port Authority has granted easements and other rights to the defendant airlines, concessionaires and others. The discretion vested in Port Authority officials to license the exercise of First Amendment rights pursuant to §§ 1260.13 - .15 has not been and cannot be lawfully delegated or sub-delegated by Port Authority to any of the airline defendants or others. Even if delegated, Port Authority has promulgated no standards whatsoever to guide the discretion of the lessees and other in exercising their discretion respecting the grant of First Amendment rights. If delegated, even with standards, the power to license First Amendment rights cannot be delegated by Port Authority to private parties, particularly such private parties as the airline defendants who have vested economic interest in minimizing the presence of unpopular groups, including plaintiffs, soliciting from the licensees' customers.

SEVENTEENTH: Plaintiffs have been informed by Port Authority police under the jurisdiction of defendant Lee that plaintiffs are subject to immediate arrest in the terminals on criminal charges, including trespass, if they attempt to distribute literature in any place other than as set forth in paragraph Fourteenth above, unless plaintiffs have permission granted by the respective airline lessees and licensees.

EIGHTEENTH: The spaces in the various terminals leased or licensed to the airline defendants include areas which are appropriate locations for the exercise of First Amendment rights. They are functionally public thoroughfares and any restrictions on First Amendment activities must be carefully promulgated to protect the public order and the free flow of traffic while permitting as wide an exercise of First Amendment rights as possible.

NINETEENTH: The regulations at issue, on their face and as construed and applied to prohibit the distribution and sale of religious literature by members of a religious organization, without a permit for which no narrow or definite standards are specified, substantively and procedurally abridge the exercise of freedoms of speech, press and religion, arbitrarily deprive persons of their liberty and property without due process of law, capriciously deny the equal protection of the laws, and are vague, ambiguous and over-broad, all in violation of the First and Fourteenth Amendments to the United States Constitution.

TWENTIETH: There is between the parties an actual controversy as hereinabove set forth herein. The

plaintiffs are suffering irreparable injury and are threatened with irreparable harm in the future by reason of the acts herein complained of and a substantial loss or impairment of freedom of expression has occurred and will continue to occur so long as defendants' conduct continues. Plaintiffs have been, are being and will continue to be harassed and intimidated by defendants and their agents utilizing the ordinances at issue so long as plaintiffs continue to proselytize at Kennedy and LaGuardia Airports. Furthermore, there is in fact a chilling effect upon the exercise of First Amendment rights derived from the fact of threats of prosecution unaffected by prospects of its success or failure.

TWENTY-FIRST: Plaintiffs have no adequate remedy at law.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT LEE AND DEFENDANTS ALLEGHENY AIRLINES, INC., AMERICAN AIRLINES, INC., BRANIFF INTERNATIONAL AIRWAYS, DELTA AIR LINES, INC., EASTERN AIR LINES, INC., NEW YORK AIR WAYS, INC., NORTHWEST AIRLINES, INC., PIEDMONT AIRLINES, TRANS WORLD AIRLINES, AND UNITED AIRLINES, INC.

TWENTY-SECOND: Plaintiff repeats and realleges each and every allegation of paragraphs First through Eighteenth as if fully and completely set forth herein.

TWENTY-THIRD: The Port Authority, at Newark Airport, has leased or licensed easements and other rights to the Airlines named in the caption of this second cause of action, to concessionaires, and to others. The discretion vested in Port Authority officials to license the

exercise of First Amendment rights pursuant to §§ 1260.13 - .15 has not been and cannot lawfully be delegated or sub-delegated to the above airline defendants. Even if delegated, Port Authority has promulgated no standards whatsoever to guide the discretion of the lessees or licensees in exercising discretion respecting the grant of First Amendment rights. If delegated, even with standards, the power to license First Amendment rights cannot lawfully be delegated by Port Authority to private parties, particularly such as the airline defendants who have a vested economic interests in minimizing the presence of unpopular groups, including plaintiffs, soliciting from the licensees' customers.

TWENTY-FOURTH: Plaintiffs have been informed by the Port Authority Police under the jurisdiction of defendant Lee that plaintiffs will be subject to immediate arrest on criminal charges, including trespass, if they attempt to distribute literature or solicit contributions anywhere in Newark Airport without the permission of the respective airline lessees.

TWENTY-FIFTH: The spaces in the various terminals leased to the airline defendants at Newark Airport include areas which are appropriate locations for the exercise of First Amendment rights. They are functionally public thoroughfares and any restrictions on First Amendment activities must be carefully promulgated to protect the public order and the free flow of traffic while permitting as wide an exercise of First Amendment rights as possible.

TWENTY-SIXTH: The regulations at issue, on their face and as construed and applied to prohibit the distribution and sale of religious literature by members of a religious organization, without a permit for which no narrow or definite standards are specified, substantively and procedurally abridge the exercise of freedoms of speech, press and religion, arbitrarily deprive persons of their liberty and property without due process of law, capriciously deny the equal protection of the laws, and are vague, ambiguous and over-broad, all in violation of the First and Fourteenth Amendments to the United States Constitution.

TWENTY-SEVENTH: There is between the parties an actual controversy as hereinbefore set forth herein. The plaintiffs are suffering irreparable injury and are threatened with irreparable harm in the future by reason of the acts herein complained of and a substantial loss or impairment of freedom of expression has occurred and will continue to occur so long as defendants' conduct continues. Plaintiffs have been and will continue to be harassed and intimidated by defendants and their agents utilizing the ordinances at issue so long as plaintiffs continue to proselytize at Newark Airport. Furthermore, there is in fact a chilling effect upon the exercise of First Amendment rights derived from the fact of threats of prosecution unaffected by prospects of its success or failure.

TWENTY-EIGHTH: Plaintiffs have no adequate remedy at law.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS LEE AND EASTERN AIRLINES.

TWENTY-NINTH: Plaintiffs repeat and reallege each and every allegation of paragraphs First through Eighteenth as if fully and completely set forth herein.

THIRTIETH: Defendant Eastern Airlines has purported to promulgate certain regulations for Kennedy and LaGuardia Airports pursuant to authority allegedly delegated to it by the Port Authority. (A copy of said regulations is annexed hereto as Exhibit A).

THIRTY-FIRST: Port Authority has no right, privilege or power to delegate to defendant Eastern Airlines the authority to promulgate such regulations and in fact has not done so. If Port Authority claims to have done so, it has failed to establish any standards to guide the alleged discretion of defendant Eastern Airlines in exercising asserted power to restrict First Amendment rights. If delegated, even with standards, the power to license First Amendment rights cannot lawfully be delegated to a private party particularly one such as defendant Eastern Airlines which has a vested economic interest in minimizing the presence of unpopular groups, including plaintiffs, soliciting from defendant Eastern Airline's customers.

THIRTY-SECOND: The regulations promulgated by defendant Eastern for Kennedy and LaGuardia Airports and enforced by defendant Lee violate the First and Fourteenth Amendments to the Constitution of the United States in that the regulations:

a) Restrict the free exercise of religion of the plaintiffs by prohibiting the solicitation of donations in connection with the distribution of literature;

b) Are overly restrictive as to the locations within space leased or licensed to Eastern where distribution of literature is permitted;

c) Are overly restrictive as to the distances from ticket lines and counters, security check points, outer doors, stairwells and escalators where plaintiffs are allowed to distribute literature;

d) Are overly restrictive as to the number of days during which the distribution of literature is altogether prohibited;

e) Are overly restrictive in that suspension of a permit "in the event of emergencies" is permitted without any standard to define emergencies;

f) Are overly restrictive in that they prohibit entirely the distribution of literature at the Air-Shuttle terminals leased by or licensed to Eastern Air Lines at the airports;

g) Are overly restrictive in that they allow the distribution of literature pursuant to a permit for a period of only seven days, thereby requiring plaintiffs to make repeated applications for renewal of the permit;

h) Are overly restrictive in that they unreasonably limit the number of devotees who may perform Sankirtan;

i) Are unrelated by reason or need to the simple functioning of the Eastern facilities at Kennedy and LaGuardia airports;

j) Are designed to and do have the effect of prohibiting the free exercise of religion and of abridging plaintiffs' freedom of speech, press activities and right of peaceable assembly.

THIRTY-THIRD: As a direct result of the regulations promulgated by defendant Eastern, plaintiffs have suffered, are suffering, and will continue to suffer irreparable injury by reason of the acts herein complained of in that their rights to press, speech and assembly freedoms and freely to exercise their religion have been substantially impaired.

THIRTY-FOURTH: Plaintiffs have no adequate remedy at law.

WHEREFORE, plaintiffs pray that this Court;

A. Declare that the New York Port Authority Regulations (N.Y.C.R.R. Title 21, Chapter 24 §§ 1260.13 to 1260.15) on their face and as construed and applied to prohibit the distribution or sale of plaintiffs' religious literature by members of a religious organization, abridge the free exercise of religion, and the freedom of speech and the press, all in contravention of the First and Fourteenth Amendments to the Constitution of the United States;

B. Temporarily and permanently enjoin defendants and their respective agents, servants and employees from (1) arresting or participating in the arrest of, or taking any action whatsoever against plaintiffs or plaintiffs'

members, for any alleged violation of the Port Authority Regulations (N.Y.C.R.R., Title 21, Chapter 24 §§ 1260.13 to 1260.15) and from (2) interfering directly or indirectly with plaintiffs' rights to be in the public portions of the Kennedy, LaGuardia or Newark Airports and from (3) participating in plaintiffs' arrest for trespass or any other charge where plaintiffs or their members are engaged in the peaceable dissemination or sale of literature or materials or seeking donations in any portion inside or outside of the terminals generally open to the public;

C. Declare that the regulations promulgated by Eastern Airlines with respect to First Amendment activities at Kennedy and LaGuardia airport facilities leased or licensed to defendant Eastern are over-broad and unrelated to the functioning of Eastern's facilities, all in violation of the First and Fourteenth Amendments to the United States Constitution;

D. Temporarily and permanently enjoining defendants and their respective agents, servants and employees from enforcing or attempting to enforce the Eastern Airline's purported regulations with respect to Eastern Airlines space at Kennedy and LaGuardia Airports or either of them; and

E. Award plaintiffs their attorneys fees pursuant to 42 U.S.C. § 1988; and

F. Grant to plaintiffs such other, further and different relief as may be just.

Dated: New York, New York
July 28, 1977.

/s/ Eugene N. Harley
JEREMIAH S. GUTMAN, ESQ.
EUGENE N. HARLEY, ESQ.
LEVY, GUTMAN, GOLDBERG
AND KAPLAN
Attorneys for Plaintiffs
363 Seventh Avenue
New York, New York 10001
(212) 736 2226

BARRY FISHER, ESQ.
Attorney for Plaintiffs
433 North Camden Drive, Suite
900
Beverly Hills, California 90210
(213) 550 7460

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

BRIAN RUMBAUGH, being duly sworn, deposes and says that deponent is one of the plaintiffs in the within action; that deponent has read the foregoing First Supplemental Complaint and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

/s/ Brian Rumbaugh
BRIAN RUMBAUGH

Sworn to before me, this 28th
day of July, 1977.

/s/ Eugene N. Harley
EUGENE N. HARLEY
Notary Public, State of New York
No. 31-6772225
Qualified in New York County
Commission Expires March 30, 1978

Rules for Distributing of Written, Printed or Pictorial Religious Material at Eastern Air Lines, Inc.'s Passenger Terminals at John F. Kennedy International Airport and La Guardia Airport

No person or group may distribute any sign, advertisement, circular or other written, printed, or pictorial religious material at Eastern Air Lines, Inc.'s (Eastern) passenger terminals at John F. Kennedy International Airport or La Guardia Airport except pursuant to these passenger terminal rules and regulations.

1. Distribution shall be made only at locations specified in these rules and/or in any permit issued by Eastern.

2. Distribution shall not be made in any air operations area, any hanger or office area, or any departure gate area or any curbside check-in area, or any other area designated as a security area under Eastern's security plan filed with the Federal Aviation Administration pursuant to Section 121 of the Federal Aviation Regulations, any baggage claim area, any area restricted to Eastern's

own employees and/or passengers ticketed on Eastern or any other air carrier using Eastern's facilities or any other area not otherwise open to the general public.

3. Distribution shall not be made within approximately twenty-five (25) feet of any ticket counter, check-in counter, or information counter nor to any persons waiting on line at or about any ticket counter, check-in counter or information counter, except as otherwise provided herein.

4. Any person or group distributing material in a passenger terminal may not engage in any mass demonstrations or similar such group activities and may not use any loudspeakers or similar such devices at any time and further may not play any musical instruments or other devices in the passenger terminal.

5. Distribution shall not be made within approximately twenty-five (25) feet of any security check point and/or security device located within a passenger terminal nor to any persons waiting on line at or about any security check point and/or security device, except as otherwise provided herein.

6. Distribution shall not be made within approximately twenty-five (25) feet of any outer doors of general circulation providing means of ingress or egress to a passenger terminal, except as otherwise provided herein.

7. Distribution shall not be made within approximately twenty-five (25) feet of any stairwell, escalator or elevator in a passenger terminal, except as otherwise provided herein.

8. Distribution shall not be made in any area of Eastern's passenger terminals subleased or allocated to a tenant or concessionaire without the express permission of such tenant, concessionaire or other appropriate entity.

9. Distribution shall not be made in any way that would interfere with the safe operation of Eastern's passenger terminals or that would unreasonably interfere with passenger traffic or harass, block the movement of or interfere with the rights of other persons or otherwise unreasonably interfere with any of the operations of the passenger terminal.

10. Distribution shall not be made in any way so as to disturb the peace, or to incite lawless acts by other persons at the passenger terminal.

11. Distribution will be made in a polite and courteous fashion and material will be distributed only to those persons willing to accept it. Members of the public will not be harassed or otherwise unreasonably interfered with in any way.

12. No sign, advertisement, circular or other written, printed or pictorial matter will be affixed to the passenger terminal and no such material shall be distributed by leaving it unattended throughout the passenger terminal. No such material will be left unattended in any area of the passenger terminal for an unreasonable length of time.

13. The total number of persons distributing material for any group or groups within a passenger terminal shall not exceed the total numbers set forth below for each passenger terminal.

14. No more than one group will be permitted to distribute material in any passenger terminal at any one time. However, the Eastern Station Manager (as used herein, "Eastern Station Manager" means the Station Manager and/or his/her designee) may in his discretion permit more than one group to distribute material provided however that the total number of persons for all groups distributing material in a passenger terminal shall not exceed the total number set forth below at each passenger terminal.

15. Any group distributing material at a passenger terminal shall identify by name, address and telephone number the organization or person sponsoring the distribution of the written, printed or pictorial matter and the persons who will be distributing such material at the passenger terminal. The group will also provide Eastern with the name, address and telephone number of a person or persons to act as a liaison between the group and Eastern.

16. No distribution of any material will be permitted during the peak traffic periods set forth below. The eastern Station Manager may in his discretion permit distribution during these periods if in his reasonable opinion such distribution would not interfere with the safe and efficient operation of the passenger terminal. If distribution is permitted during these peak traffic periods, the Station Manager may limit the total number of persons distributing material and their locations in the passenger terminal in accordance with operational needs.

17. Any group distributing material at a passenger terminal shall take appropriate measures to ensure that

the distributed matter does not litter the passenger terminal.

18. The Eastern Station Manager may suspend at any time a permit issued pursuant to these rules in the event of emergencies such as but not limited to extended passenger delays caused by adverse weather or operating conditions.

19. No person or group may distribute any sign, advertisement, circular or other written, printed or pictorial religious matter at Eastern's passenger terminals at John F. Kennedy International Airport or the passenger terminal known as the Air-Shuttle terminal at La Guardia Airport except pursuant to a permit from the Eastern Station Manager at each such passenger terminal.

(a) An application for a permit on a form provided by Eastern (a sample of which is attached hereto) must be submitted during normal business hours (9:00 a.m. to 5:00 p.m.) to the Eastern Station Manager at the respective airport at least 24 hours but not more than one calendar week before the date proposed for the distribution of the materials.

(b) The permit shall be effective for up to seven (7) calendar days. However, the Eastern Station Manager may in his discretion limit the effective period of the permit to no more than one calendar day or extend the effective period of the permit to up to two calendar weeks. The permit will be effective only for the dates and at the times specified on it and at any one time no more than one permit will be issued to any group or person. No permits will be issued for the peak traffic periods referenced in paragraph

16 and set forth below except in accordance with the provisions of paragraph 16.

(c) A copy of this permit will be in the possession of at least one person in the group distributing material at all times that the group is present in the passenger terminal.

(d) The permittee will report to the Eastern Station Manager each day prior to the commencement of the distribution of the material.

(e) Permits will be issued on the basis of the chronological dates on which the application for the permit is received by Eastern.

(f) The permit may be revoked at any time if the person or group violates the rules set forth herein.

20. John F. Kennedy International Airport

Distribution shall be permitted at the following locations in the passenger terminal;

(1) Upper Level –

(a) Three (3) persons shall be permitted to distribute literature in the "waiting room" area of the concourse – generally the area that is carpeted and contains chairs available for passengers and other persons having business in the terminal. Distribution is also permitted in the area immediately adjacent to this "waiting room" area and in such other areas not otherwise limited in the general rules set forth above. (Area A)

(b) One (1) person shall be permitted to distribute literature in the walkway at the rear of the terminal between the shops. (Area B)

(2) Lower Level –

(a) One (1) person shall be permitted to distribute literature in the walkway outside the baggage claim area. (Area C)

(3) No distribution will be permitted during the following peak traffic periods of each year except as provided in paragraph 16:

(a) December 20 – December 25

(b) January 1 – January 7

(c) Weekend before Easter Weekend – Friday through Sunday

(d) Thursday before Easter through the Weekend after Easter Weekend

(e) Thursday before Labor Day through the Tuesday after Labor Day

(f) Tuesday before Thanksgiving through the Monday after Thanksgiving

(g) Any other period when traffic forecasts indicate that passenger traffic in the terminal shall substantially exceed that which occurs on a normal day.

(4) No more than a total number of five (5) persons from one or more groups will be permitted to distribute literature throughout the terminal.

21. LaGuardia Airport

(1) Distribution shall be permitted at the following location in the main passenger terminal.

(a) One (1) person shall be permitted to distribute literature in the rear portion of

the terminal immediately adjacent to the public walkway at the back of the terminal (Area A).

(2) Distribution shall be permitted at the following location in the Air-Shuttle terminal.

(a) One (1) person shall be permitted to distribute literature in the open areas of the main terminal not otherwise limited in the general rules set forth above. (Area A) Distribution shall be permitted in the area of the writing counters in the terminal but persons standing at these counters shall not be approached.

(b) One (1) person shall be permitted to distribute literature in the "waiting room" area of the terminal – generally the area that is carpeted and contains chairs available for passengers and other persons having business in the terminal. (Area B)

(3) No distribution will be permitted during the following periods of each year except as provided in paragraph 16.

(a) December 21 – December 25

(b) January 1 – January 4

(c) Weekend before Easter Weekend – Friday through Sunday

(d) Thursday before Easter through the Weekend after Easter Weekend

(e) Thursday before Labor Day through the Tuesday after Labor Day·

(f) Tuesday before Thanksgiving through the Monday after Thanksgiving

(g) Any other period when traffic forecasts indicate that passenger traffic in the terminal shall substantially exceed that which occurs on a normal day.

(4) (a) No more than a total number of one (1) person from a group will be permitted to distribute literature throughout the main terminal.

(b) No more than a total number of two (2) persons from one or more groups will be permitted to distribute literature throughout the Air-Shuttle terminal.

(22) As used herein, the term "passenger terminal" shall mean the areas leased to Eastern for its exclusive use from the Port Authority of New York and New Jersey.

Newark International Airport

Eastern is one of four (4) airline tenants in Terminal B, the passenger terminal at Newark International Airport. Eastern does not have exclusive control in Terminal B of any of the common areas open to passengers and other persons having business in the terminal. Under their individual leases, control of those areas rests jointly in the four airline tenants.

The attached rules for the distribution of religious material in the areas set forth below at Terminal B are acceptable to Eastern. These rules and the procedures contained therein have not been approved by any other air carrier tenants at Terminal B. However, Eastern will take no unilateral action nor be a party to any action to interfere with the distribution of religious material in Terminal B provided that such distribution is made in

accordance with these rules and in the areas set forth below. Distribution shall be permitted at the following locations in Terminal B:

(1) Upper level –

(a) Two (2) persons shall be permitted to distribute literature in the "waiting room" area of the concourse – generally the area that is carpeted and contains chairs available for passengers and other persons having business in the terminal. Distribution is also permitted in the area immediately adjacent to this "waiting room" area and in such other areas not otherwise limited in the general rules. (Area A)

(2) Concourse Level –

(a) Two (2) persons shall be permitted to distribute literature in the "waiting room" area of the concourse – generally the area that is carpeted and contains chairs available for passengers and other persons having business in the terminal. Distribution is also permitted in the walkways and other areas on the concourse level and in such other areas on the concourse level not otherwise limited in the general rules. (Area B)

(b) No distribution whatsoever shall be permitted in the walkways leading out from the concourse and to the gate areas.

(3) Lower Level –

(a) Two (2) persons shall be permitted to distribute literature in the walkway outside the baggage claim area. (Area C)

(4) No more than a total number of six (6) persons from one or more groups will be permitted to distribute literature throughout Terminal B. However, Eastern's Station Manager may in his discretion permit a distribution of persons different from that set forth above; e.g., 0 persons – lower level, 4 persons – concourse level, 2 persons – upper level.

(5) No distribution will be permitted during the following peak traffic periods of each year except as provided in paragraph 16.

(a) December 20 – December 25

(b) January 1 – January 7

(c) Weekend before Easter Weekend – Friday through Sunday

(d) Thursday before Easter through the Weekend after Easter Weekend

(e) Thursday before Labor Day through the Tuesday after Labor Day

(f) Tuesday before Thanksgiving through the Monday after Thanksgiving

(g) Any other period when trafile forecasts indicate that passenger traffic in the terminal shall substantially exceed that which occurs on a normal day.

PERMIT APPLICATION

This application is submitted for permission to distribute religious material at the Eastern Air Lines, Inc. (Eastern)

passenger terminal checked below in accordance with Eastern's rules for the distribution of written, printed or pictorial religious material.

This application must be submitted during normal business hours (9:00 a.m. to 5:00 p.m.) to Eastern's Station Manager at least thirty-six (36) hours but not more than one calendar week before the date proposed for the distribution of the materials.

Name of Sponsoring Organization/ Group	Organization/ Group Address	Telephone Number
Name of Organization/ Group Representative	Address of Organization Group Representative	Telephone Number

Check One:

_____ John F. Kennedy International Airport

_____ La Guardia Airport – Air-Shuttle Terminal

_____ Newark International Airport

Date of Proposed Distribution ____

Time of Proposed Distribution ____

Date Application Submitted _____

Time Application Submitted _____

I have read Eastern's rules for the distribution of written, printed or pictorial religious material.

By _____

PERMIT

Date of Issuance _____ Expiration Date _____

A copy of this permit will be in the possession of at least one person in the sponsoring group/organization distributing material at all times that the group is present in the passenger terminal.

The permittee will report to the Eastern Station Manager or his/her designee each day prior to the commencement of the distribution of the material.

This permit is subject to the Eastern rules referred to above.

By _____
Station Manager

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,

Plaintiffs,

-against-

WALTER LEE, Superintendent of the Port Authority Police, individually and in his official capacity, et al.,

Defendants.

----------x

Index No.
75 Civ 5388
(RLC)
Answer

To: Jeremiah S. Gutman, Esq.
Eugene N. Harley, Esq.
Levy, Gutman, Goldberg & Kaplan
Attorneys for Plaintiffs
363 Seventh Avenue
New York, New York 10001

Defendant, WALTER LEE, named individually and in his official capacity as Superintendent of Police for the Port Authority of New York and New Jersey (Port Authority), by his attorney, Patrick J. Falvey, answering the complaint of plaintiffs, respectfully alleges and shows as follows:

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION:

1. Denies each and every allegation in the paragraphs designated "FIRST", and "ELEVENTH" of the complaint.

2. Denies knowledge sufficient to form a belief as to the truth of each and every allegation of paragraphs designated "SECOND", "THIRD", "FOURTH", "SIXTH", "SEVENTH", "EIGHT" and "NINTH" of the complaint.

3. Denies each and every allegation of paragraph designated "FIFTH", except admits that defendant WALTER LEE is employed by the Port Authority and, at all times mentioned herein, has acted in his official capacity as the Superintendent of Police of the the Port Authority, a government agency of the States of New York and New Jersey created in 1921 by compact between them, which was consented-to by Congress; that the Port Authority operates under leases with the cities of New York and Newark, John F. Kennedy International Airport and LaGuardia Airport in the State of New York and Newark International Airport in the State of New Jersey, respectively; and that defendant WALTER LEE, as the Superintendent of Police, is chiefly responsible for the enforcement of applicable New York and New Jersey criminal laws.

4. Denies each and every allegation of paragraph designated "TENTH" of the complaint except admits that John F. Kennedy International, LaGuardia and Newark International Airports are operated and policed by the Port Authority; and that, in his capacity as Superintendent of Police, defendant LEE is responsible for the security and the enforcement of the criminal laws in areas of said airports which are under the control of the Port Authority and, upon the request or complaint of a tenant, in areas wholly leased to such tenant or tenants which are under the dominion and control of said tenants; and that space in air terminals, located at the said airports, is

leased or under license to tenants which include airlines, food concessions, shops, news-stands and other businesses. Defendant requests the Court's permission to refer the terms of lease and/or license agreements at the time of trial with respect to obligations as to police and security within areas covered by those agreements, and respectfully refers all questions of law to the court.

5. Denies each and every allegation of paragraph designated "TWELTH" of the complaint except admits that Section 1260.13 of the Port Authority Regulations provides that "No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at an air terminal without permission". Section 1260.14 states that "No person shall solicit funds for any purpose at an air terminal without permission". Section 1260.15 in its entirety provides that "No person, unless duly authorized by the Port Authority, shall, in or upon any area, platform, stairway, station, waiting room or any other appurtenance of an air terminal: (a) sell, or offer for sale any article of merchandise; or (b) solicit any business or trade, including the carrying of baggage for hire; the shining of shoes or bootblacking; or (c) entertain any persons by singing, dancing or playing any musical instrument; or (d) solicit alms.

6. Denies each and every allegation of paragraph designated "THIRTEENTH" of the complaint except admits that Section 1260.1 (h) provides that "permission shall mean permission granted by the manager, unless otherwise specifically provided." Section 1260.1 (e) provides that "manager shall mean the Port Authority manager or other Port Authority official in charge of an air terminal, or his duly authorized representative."

7. Denies each and every allegation of paragraph designated "FOURTEENTH" of the complaint except admits that the Port Authority, through its agents, has granted permission to plaintiffs to distribute literature and solicit contributions within appropriate public areas of air terminals located at John F. Kennedy International and LaGuardia Airports; and that plaintiffs have been advised that they should seek permission for the distribution of literature and the solicitation of funds from the airlines who have leased or subleased, and who do exercise dominion and control over, the premises of air terminals located at Newark International Airport.

8. Denies each and every allegation of paragraph designated "FIFTEENTH" of the complaint except admits that the Port Authority, through its agents, has not the right to grant and has not granted to plaintiffs permission to distribute literature and solicit funds in areas leased to an airline or airlines and over which areas these airlines exercise dominion and control; and that defendant LEE, as the Port Authority's Superintendent of Police, is responsible for the enforcement of the criminal law at the Port Authority's airports. Defendant respectfully refers all questions of law to the court.

9. Denies each and every allegation of paragraph designated "SIXTEENTH" of the complaint except denies information or knowledge sufficient to form a belief as to the truth of plaintiffs' allegation that the airline defendants "have vested economic interest in minimizing the presence of unpopular groups, including plaintiffs, soliciting from the licensees' customers" and admits that Port Authority officials have not delegated or sub-delegated any discretion vested in them to grant permission for the

distribution of literature and the solicitation of funds to any person or entity and that the Port Authority, at its airports, has leased space and granted rights to airlines, and others. Defendant respectfully refers all questions of law to the court.

10. Denies each and every allegation of paragraph designated "SEVENTEENTH", "EIGHTEENTH", "NINETEENTH", "TWENTIETH" and "TWENTY-FIRST" of the complaint, and respectfully refers all questions of law to the court.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

11. With respect to paragraph designated "TWENTY-SECOND" of the complaint, defendant repeats, reiterates and realleges each of his admissions and denials answering paragraphs designated "FIRST" through "EIGHTEENTH" of the complaint with the same force and effect as if fully set forth at length herein.

12. Denies each and every allegation of paragraph designated "TWENTY-THIRD" of the complaint except denies information or knowledge sufficient to form a belief as to the truth of plaintiffs' allegation that the airline defendants "have vested economic interests in minimizing the presence of unpopular groups, including plaintiffs, soliciting from the licensees' customers" and admits that under agreements between the Port Authority and some of the airlines named in the caption of plaintiffs' second cause of action and under agreements between some of the airlines themselves, said airlines are tenants and sub-tenants at the air terminals located at

Newark International Airport; and that there are concessionaires who also tenant some areas in the air terminals. Defendant respectfully refers all questions of law to the court.

13. Denies each and every allegation of paragraphs designated "TWENTY-FOURTH", "TWENTY-FIFTH," "TWENTY-SIXTH", "TWENTY-SEVENTH" and "TWENTY-EIGHT" of the complaint, and defendant respectfully refers all questions of law to the court.

AS AND FOR THE ANSWER TO THE THIRD CAUSE OF ACTION

14. With respect to paragraph designated "TWENTY-NINTH" of the complaint, defendant repeats, reiterates and realleges each of his admissions and denials in answering paragraphs designated "FIRST" through "EIGHTEENTH" of the complaint with the same force and effect as if fully set forth at length herein.

15. Denies each and every allegation of paragraphs designated "THIRTIETH" and THIRTY-SECOND" of the complaint.

16. Denies each and every allegation of paragraph designated "THIRTY-FIRST" of the complaint except denies information or knowledge sufficient to form a belief as to the truth of plaintiffs' allegation that the defendant Eastern Airline has "vested economic interest in minimizing the presence of unpopular groups, including plaintiffs, soliciting from the licensees' customers" and admits that the Port Authority has not delegated its

power, if any, to defendant Eastern Airlines to promulgate regulations (a copy of which is annexed to the complaint as Exhibit A); and that Eastern Airlines, pursuant to lease agreements with the Port Authority, has rights with respect to areas leased to it at Port Authority airports, and defendant requests the Court's permission to refer to said lease agreements at the time of trial and, further, respectfully refers all questions of law with respect thereto to the Court.

17. Denies knowledge sufficient to form a belief as to the truth of each and every allegation of paragraphs designated "THIRTY-THIRD" and denies each and every allegation of paragraph designated "THIRTY-FOURTH" of the complaint.

WHEREFORE, defendant respectfully prays for a judgment dismissing plaintiffs' complaint, plus attorney's fees, costs and disbursements, and such other and further relief as may seem to this court just and proper.

Dated: New York, New York
December 29, 1977

/s/ (P.J.F.)
Patrick J. Falvey
Attorney for Port Authority
Defendant Walter Lee
One World Trade Center
New York, New York 10048
Telephone (212) 466-8794

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.,

Plaintiffs,

– against –

WALTER LEE, et al.,

Defendants.

----------x

AFFIDAVIT

75 Civ. 5388 (MJL)

STATE OF NEW YORK)
: SS:
COUNTY OF NEW YORK)

PHILIP Le B. DOUGLAS, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and of the firm of Hale Russell & Gray, attorneys for the Air India group of defendants in this action. I make this affidavit in opposition to plaintiffs' motion for a protective order concerning interrogatories and document demands served by the Air India defendants on July 16, 1984 (collectively "Second Air India Interrogatories"). In this case, plaintiffs – the international "Krishna Consciousness Movement" and Brian Rumbaugh – seek to perform "sankirtan", i.e. solicit funds, in privately-leased areas of the International Arrivals Building at John Fitzgerald Kennedy International Airport. To rebut plaintiffs' contention that sankirtan is a religious activity protected by

the First Amendment, the Second Air India Interrogatories seek information concerning plaintiff's solicitation practices, the involvement of high Krishna officials in those practices, and the manner in which sankirtan-derived funds are used.

2. Plaintiffs' motion seeks to preclude any inquiry whatsoever into Hare Krishna governance, solicitation methods or financial affairs. According to plaintiffs, any such inquiry would be (1) irrelevant and not likely to lead to the discovery of relevant evidence; (2) violative of plaintiffs' rights of privacy and religious freedom; and (3) unduly burdensome and oppressive. Plaintiffs characterize the Air India interrogatories as "wildly" irrelevant, "not reasonably calculated to lead to the discovery of admissable evidence" and ludicrously off-beam." (Memorandum of Law in Support of Plaintiffs' Motion for Protective Order with Respect to Air India Interrogatories at 2-3). Strongly implying that defendants' recent interrogatories were propounded in bad faith to "coerce" a settlement, plaintiffs contend that "[g]iven the substantial religious liberty and privacy interests, which are threatened by the discovery, defendants have failed to demonstrate that the information sought is sufficiently relevant to *this* lawsuit to justify disclosure." (Reply Memorandum in Support of Plaintiffs' Motion for Protective Order Concerning Air Canada Interrogatories at 3) (emphasis in original).

Plaintiffs' Claims Should Be Dismissed Out Of Hand For Failure to Comply With Local Rule 3(f)

3. Before turning to plaintiffs' claims that defendants discovery requests are irrelevant and in bad faith, I wish to briefly address their contention that the interrogatories are ambiguous, overbroad and unduly burdensome. The Air India defendants respectfully submit that these claims should be summarily dismissed for failure to comply with Local Rule 3(f) of this Court. As is evident from the fact that their motion papers are not accompanied by the affidavit required by Local Rule 3(f), plaintiffs have never sought to confer with defendants in an effort to clarify allegedly unclear interrogatories and to lessen the burden of any discovery requests. Indeed, plaintiffs have declined my request for such a conference. Immediately following a status conference before Magistrate Dolinger on August 6, 1984, I asked David M. Liberman, Esq. and Eugene N. Harley, Esq. to meet with me in an effort to resolve their objections to the interrogatories. Messrs. Liberman and Harley's only response, however, was that the interrogatories were objectionable *in toto*.

4. I have reviewed the August 17, 1984, affidavit of plaintiff Brian Rumbaugh claiming, among other things, that the document production requested by defendants "would be extremely burdensome and damaging" because "[m]embership in the [New York] temple is currently less than half of what it was when this lawsuit began." (8/17/84 Rumbaugh Aff. ¶11). This "critical shortage of personnel" is asserted as a ground for denying defendants' any discovery whatsoever. (*Id.*) This contention is spurious. As the complaint in this case asserts, plaintiffs are not merely a "New York temple," they are in

fact "all members of the International Society for Krishna Consciousness, Inc." which is defined in the complaint as "an international religious society . . . [that] maintains temples and schools in cities throughout the United States." (First Amended Complaint ¶3). As will be set forth in great detail below, this worldwide movement has thousands of followers who devote their services free of charge and who are capable of raising, through sankirtan, hundreds of thousands of dollars in a matter of days. This powerful organization has financed dozens of expensive lawsuits around the nation. Indeed, plaintiffs have prosecuted this particular case for almost ten years represented by a stable of three law firms, at least some of which are being paid on a hourly basis. In any event, as noted above, the Air India defendants stand ready to discuss reasonable ways of relieving any unnecessary burden.

The Air India Group's Review of the Public Record Concerning Plaintiffs' Solicitation Methods .

5. Prior to propounding its interrogatories, the Air India defendants undertook a preliminary inquiry into the public record concerning plaintiffs' activities over the past decade. What has emerged from this necessarily brief and limited investigation are shocking allegations indicating that the International Society for Krishna Consciousness, Inc. ("ISKCON") has been operating in a manner more akin to a racketeering enterprise than a religion. As will be set forth in detail below, the public record reveals allegations of widespread and massive fraud, extortion, murder, assault, large-scale weapons dealing, heroin trafficking and investments in profit-making

enterprises. As a consequence, defendants seek discovery which they believe will demonstrate that, in the words of the United States District Court for the District of New Jersey in the Meadowlands case, that sankirtan "is no more than a 'confidence' operation designed to obtain all the money possible," *International Society for Krishna Consciousness, Inc. v. New Jersey Sports and Exposition Authority*, 552 F. Supp. 1088, 1110 (D.N.J. 1981), *aff'd*, 691 F.2d 155 (3d Cir. 1982), and that the funds obtained by this "confidence operation" are diverted to secular and even criminal purposes. Thus, rather than being irrelevant, in bad faith or "ludicrous", the discovery sought by defendants is amply warranted and vital to their defense of this case. Indeed, without this information, defendants will not be able to respond to the Second Court's request in its remand opinion for evidence of the true "nature" of sankirtan and defendants' "justification" for precluding this practice in their leaseholds. *See International Society for Krishna Consciousness, Inc. v. Air Canada*; 727 F.2d 233, 256 (2d Cir. 1984) (per curiam).

6. Outlined below is evidence gleaned from the public record by the Air India defendants relating to plaintiffs' governance, sankirtan practices and use of sankirtan-derived funds. While some of this evidence is derived from unverified sources, strong corroboration is provided by the consistency of these allegations over the years.

A. Plaintiff's Control Over World-Wide Solicitation Practices and the Use of Sankirtan Funds

7. Plaintiffs object to the Second Air India Interrogatories, in part, because they seek information about

activities outside of the New York area. Thus, it is asserted that any inquiry should be limited to "the single corporation" and "single individual" who are allegedly plaintiffs in this case. (Plaintiffs' Motion for Protective Order at 2). This assertion is typically disingenuous. As noted above, the pending complaint is brought "on behalf of all members of the International Society for Krishna Consciousness, Inc." which is defined as "an international religious society . . . [that] maintains temples and schools in cities throughout the United States." (First Amended Complaint ¶ 3). In an obvious attempt to narrow defendants range of discovery, plaintiffs are now seeking to amend their complaint to exclude from the plaintiffs' group, Hare Krishna organizations and devotees located outside of the New York region. The Air India defendants, of course, oppose this eleventh hour maneuver.

8. However, even if plaintiffs' motion is granted, discovery concerning Krishna activities across the country would be proper. As will be demonstrated below, defendants have reason to believe, and seek discovery in order to prove, that: (1) plaintiff ISKCON as an institution directs the fraudulent solicitation of funds on a massive scale; and (2) at least some of these funds are not used for religious purposes but instead are spent on real estate, personal luxuries, weapons and narcotics. The discovery sought is necessary to prove that, rather than being the unauthorized actions of renegade members, solicitation fraud is a secret policy of the plaintiff, one which has been approved at the highest international levels of the organization.

9. At his April 14, 1979 deposition in this case, named plaintiff, Brian Rumbaugh, a/k/a "Romapada Das," a/k/a "Romapada Swami", testified that all local groups around the globe associated with the Hare Krishna movement are centrally controlled by an international entity known as the Governing Body Commission ("GBC"). (4/24/79 Rumbaugh Deposition at 30). Thus, Rumbaugh testified, the same GBC member who controls the United States is also responsible for Western Europe (*Id.* at 36). According to Rumbaugh, one of the GBC's "primary responsibilities" is to ensure that the local practices are uniform. (*Id.* at 33). The GBC's standards in this regard are "explicit" and vigorously enforced: "They are strict, very clear and they are strictly upheld." (*Id.*). Devotees from other parts of the country came to the New York region to conduct sankirtan here and New York Krishna members travel to other regions. (*Id.* at 111, 113). Although Mr. Rumbaugh was aware of a large number of frauds and violence involving devotees, (*id.* at 94, 101-104, 178, 185-87, 192, 197, 200, 213-15 220), no member has ever been expelled from the organization because of sankirtan activities. (*Id.* at 122-123).

10. Newspaper articles indicate that, in connection with a $9.7 million awarded to a woman who proved that she had been kidnapped and brainwashed by plaintiff ISKCON, a California court held that a purported "decentralization" of the organization into separate regional units and various not-for-profit corporations was in fact nothing more than an effort to evade the judgment. Finding that the New York, California, Louisiana and Canadian branches of the Hare Krishna movement conspired to siphon assets to shell corporations, the Court held: "It

is clear that the Governing Body Commission controls, to whatever extent it wishes, actions of the various corporate defendants." (The Associated Press story reporting this decision is annexed hereto as Exhibit A).

11. Our investigation reveals that fraud appears to be an approved aspect of sankirtan known as "transcendental trickery." As will be described below, many former devotees have related how they were taught to lie and steal. According to one account by a former Krishna member who spent five years in nearly a dozen Canadian and eastern United States Krishna "temples," devotees are "told to beg for donations and make up the names of needy causes," and he actually solicited donations for a fictitious "Fund for Homeless Children." (This article is annexed hereto as Exhibit B).

12. In an in-depth interview Ed Senesi, who at one time had been editor-in-chief of the official Krishna magazine *Back to Godhead* and had also served as general manager of the entire editorial and graphic arts division of the Bhaktivedanta Book Trust, ISKCON's publishing arm, explained how fraud was an inherent part of sankirtan. (A copy of this interview is annexed hereto as Exhibit C). Among other things, he related how the movement's sankirtan efforts were centered around "transcendental trickery" or "heavenly deception." According to Senesi, plaintiff ISKCON's leaders have instructed their followers that any means advancing the cause of Krishna is justified by the ends. Because the money in a potential donor's wallet was believed to be stolen from Krishna, Senesi said the Krishnas believe they have "the right – not only the right, but the duty – to take that money from you, even if [they] have to trick you, because by getting

that money from you [they] are getting Krishna's stolen money back." (Ex. C at 10). Senesi continued:

> "So they had to use these shuck-and jive, conman techniques to get the books to people, and to get the money out of their wallets. They'd lie, cheat, and do things like tell them, 'We are with muscular dystrophy,' 'We are with the Salvation Army; won't you give us money?' 'We are feeding children all over the world.' And the Americans, being big hearted, would go for it and give them money. This is going on even to this day. That's how the movement changed. It got so deceptive that anything went, because the mission was so important." *Id.*

According to Senesi, when he reported the deceptive solicitation techniques to A.C. Bhaktivedanta Swami Prabhupada, the founder of ISKCON, the Swami responded that books must be distributed, "by hook or by crook," and that the deceptive techniques were not matters of concern, because the end justified the means. (*Id.*)

B. Fraudulent Practices

13. The public record is replete with reports of widespread fraud apparently committed at plaintiffs' direction over the course of more than a decade. For example, in the June 24, 1980 edition of the *Sacramento Bee*, it is reported that one Hans Kary, a/k/a "Jack London," a/k/a "Srila Hansadutta Swami Maharaja", was one of the sect's earliest adherents and, in 1974, headed ISKCON operations in Germany. It is reported that in 1974, German authorities arrested Kary and other

Krishnas on charges of "begging under false pretenses." The German prosecuter is reported as having established that Kary and his accomplices collected $1.1 million in only seven months, primarily by telling donors that the money would be sent to an ISKCON temple in India to feed starving children. The article indicates that, in fact, only $6,900 was ever sent to India and that even this sum was not used to benefit children. In 1978, Kary and eight other devotees were reportedly convicted of the false pretense charge and ordered to pay substantial fines. (*Sacramento Bee*, June 22, 1980). (Copies of these articles are annexed hereto as Exhibit D). Despite his criminal record, Kary was subsequently appointed one of the ruling gurus of the worldwide Hare Krishna movement, with unquestioned power and authority. (*Id.*). Some evidence of what Kary did with funds collected for "starving children" is found in a May 13, 1980, article in the *Sacramento Bee*. In May 1980, Kary was reportedly in control of California operations for plaintiff ISKCON. At that time, Kary was apparently again arrested for possession of an Ingram Mac 10 9mm. machine gun, a loaded clip for that weapon, two assault rifles, two hunting rifles and three loaded handguns. These weapons were found in an illegally-imported Mercedes Benz belonging to Kary. (Ex. E). These charges were dropped when a Krishna aide to Kary claimed ownership of the weapons.

14. Further evidence of fraudulent Krishna solicitation comes from the November 22, 1975 edition of the *Los Angeles Times*. (This article is annexed hereto as Exhibit F). The article reports that in 1975 complaints to the police about solicitation techniques used by members of

the San Diego Hare Krishna temple prompted an investigation by the City Auditor's Office of the temple's financial records. Although the Krishnas reportedly collected more than $250,000 in the period February 1974 to June 1975 on behalf of "starving children and suffering people of the world," even by the Krishnas' own admission, only 3% of those funds were used for that purpose.

15. In 1976, the San Diego *Union* reported that Hare Krishna solicitors were alleged to have intimidated and used physical force against children 6 to 12 years old who were soliciting contributions for the Muscular Dystrophy Association at the San Diego Zoo and Sea World. Apparently the Krishnas, who were dressed up in Revolutionary War-period costumes to exploit the Bicentennial spirit, resented the competition from a legitimate charity for prospective donors' contributions. (The San Diego *Union* article is annexed hereto as Exhibit G).

16. Plaintiff Brian Rumbaugh has admitted to participating in similarly deceptive practices. At his deposition in this case, Rumbaugh conceded that, in the approximate period 1974-1979, the New York Temple which he headed, solicited funds during the Christmas season by dressing devotees in Santa Claus costumes and having them hand out candy canes. (4/24/79 Rumbaugh Deposition at 101-103). Rumbaugh also acknowledged that in Grand Central Station, one devotee performed sankirtan by pretending to be from a radio station (*Id.* at 212) and, in the International Arrivals Building, a crippled girl in a wheelchair and other women were used to solicit donations. (*Id.* at 220).

17. Substantial evidence of deceptive Krishna practices in 1978-1979 were adduced at a trial in the Northern District of New York of plaintiff ISKCON's suit seeking not to have their solicitation efforts at the New York State Fair restricted to booths:

> "Several fairgoers testified that ISKCON members approached them and initiated discussion by either pinning a flower or button on their lapel without permission or by placing a record in their hand. Identification badges [required by court order] frequently were not worn, or were hidden beneath sweaters or the straps of shoulder bags that ISKCON devotees typically carry.
>
> Discussions of a religious nature rarely followed; instead devotees would vaguely ask for a contribution to help "starving children" or "drug addicts." Witnesses testified that devotees portrayed themselves as representatives of contests giving away records to the 50 best looking couples or as radio station employees offering a record if the fairgoer named the correct radio station. Several fairgoers stated that when the Krishnas handed them record albums, they were led to believe that performances by several notable "stars" – including George Harrison, Stevie Wonder and Bob Marley appeared on the albums. In fact, small print on the record jackets indicated that these performers only "contributed to" or "supported" the ISKCON movement.
>
> Evidence was also presented that many devotees cajoled fairgoers into giving larger contributions and attempted to shortchange donors by folding over bills and by distracting the fairgoers with conversation while providing

> change. Devotees also on occasion "targeted" their contributors, approaching those most likely to succumb to pressure to contribute – young couples with small children, teenagers, handicapped individuals, and groups of retarded persons. . . .
>
> * * * *
>
> The state also presented testimony of a former Krishna member, who stated that she was explicitly taught to lie and deceive members of the public when engaging in sankirtan.

International Society for Krishna Consciousness, Inc. v. Barber, 650 F.2d 430, 436-37 (2d Cir. 1981).

18. In October 1979, the Raleigh, North Carolina *News and Observer* reported that Raymond Kissane, a member of the New York City Krishna community, was arrested and charged with three felony counts of obtaining money under false pretenses. (A copy of this article is annexed hereto as Exhibit H). Kissane reportedly took large bills from patrons at the North Carolina State Fair, saying he would make change, but refused to return the correct amount of change. Among the other complaints registered by fairgoers were allegations that the Krishnas: (1) had taken money from a blind adult and a retarded blind child; (2) had refused to give people change back for large bills; (3) had asked for large bills in exchange for smaller bills and then failed to provide the change; (4) had handed record albums to fairgoers and then snatched the records back if they were not given money; and (5) had tricked children into giving them donations. Kissane subsequently pleaded no contest to the North Carolina charges. Thereafter, he was given a six-month suspended

jail sentence, fined, and ordered to make restitution to his victims. Kissane was no stranger to court proceedings, having previously been convicted in other jurisdictions of soliciting without a permit on private property, obstructing an officer by providing false information, soliciting without a license, and disorderly conduct. (*See* Defendant's Exhibit BU, *ISKCON v. Barber*, 506 F. Supp. 147 (N.D.N.Y. 1980), *rev'd*, 650 F.2d 430 (2d Cir. 1981)).

19. In November 1981, the *Boston Sunday Globe* reported that Kissane and two other Krishnas were arrested in the Bangor, Maine area and charged with felony theft by deception in connection with an "art scam" whereby cheap, mass-produced paintings were sold to unsuspecting customers for exorbitant prices through misrepresentation. (A copy of this article is annexed hereto as Exhibit I). Kissane and the others, who claimed to represent Fine Arts Studio in New York, were reportedly arrested meeting "with a regional Hare Krishna representative to whom the three allegedly gave the money they obtained in sales." *Id.*

20. In September 1981, Beloit, Wisconsin police arrested Mark J. Bass and Jonathan Rhodes for felony theft through misrepresentation. The two, who were associated with plaintiffs' Moundsville, West Virginia temple, had allegedly masqueraded as Vietnam veterans, telling people at a shopping center they were collecting funds to help other Vietnam veterans hospitalized because of contact with Agent Orange. Rhodes subsequently pleaded guilty to this charge and was fined $1,000. Bass jumped bail. (Copies of articles concerning the arrests and guilty plea are annexed hereto as Exhibit J).

21. Bass, however, was reportedly arrested again in Albany, New York in May 1982 with another Krishna member and charged with conducting a similar fraud. (A copy of this article is annexed hereto as Exhibit K). According to news reports, Bass and Krishna member Brooke Brady told potential donors at a shopping center that they were soliciting to take patients at the Albany Veterans Administration Hospital to sporting events and other community activities. Unfortunately for the two Krishnas, they made the mistake of trying to solicit a donation from the recreational director of that hospital, who promptly reported them to the police. When arrested, the two Krishnas reportedly had in their van 37 letters from Veterans Administration hospitals in many parts of the country, which they apparently used as "authorization" for soliciting. The letters were all addressed to Nandagram Boys School. (*See* Interrogatory No. 45).

22. That violence and intimidation may also be inherent in sankirtan is demonstrated by an injunctive action brought by the City of Los Angeles as a result of Krishna activities at Los Angeles International Airport ("LAX"). *City of Los Angeles v. International Society for Krishna Consciousness, Inc.*, Docket No. C-270320 (Super. Ct. L.A. Co. 1978). In one affidavit submitted in support of the Los Angeles injunctive action, an airport guide, who had closely observed the activities of Krishna solicitors over a three-year period, stated that she witnessed numerous instances in which Krishna devotees had claimed to be soliciting for "educational purposes" or "an organization for children" and that religion was never

mentioned in any solicitation she observed. This declarant also witnessed Krishnas shortchanging foreign travelers unfamiliar with American currency or exchange rates, as well as instances where Krishnas had failed to provide correct change to donors. The declarant stated that she received approximately 20 complaints per day about Krishna solicitation techniques. As a result of voicing objections to the Krishnas' methods and warning passengers of the identity of the solicitors, the guide testified that she received death threats and was otherwise intimidated by the Krishnas. (Declaration of Carol Breidenbach, dated November 30, 1978, annexed hereto as Exhibit L).

23. In another supporting affidavit, Gloria Conklin, an insurance counter employee at LAX, stated that she witnessed a male Krishna solicitor approach a young teenage girl to request a donation. After the girl's mother indicated that they did not wish to make a donation and repeatedly asked to be left alone, the Krishna member forced them backwards until the mother and daughter were forced up against the insurance counter. At this point, the girl began crying, and her mother asked Ms. Conklin to call the police. The mother then slapped the Krishna member, who was prevented from striking her with his fist by a third party. After Ms. Conklin confronted a Krishna devotee about these solicitation methods, she was followed through the airport to her car by a male Krishna member and was apprehensive for her safety. Ms. Conklin also stated that she witnessed a female Krishna devotee soliciting funds from Hispanic people by claiming that the money would go to the"Catholic Relief Mission." She also observed the same

Hare Krishna member solicit a donation from a young man in a U.S. Navy uniform. The Krishna said that she was "from a society to bring the M.I.A.'s home from Vietnam." The serviceman, remarking that it was for a good cause, endorsed his whole paycheck to the female devotee. (Declaration of Gloria Conklin, dated October 13, 1978, annexed hereto as Exhibit M).

24. Victor C. Hernandez, [sic] a passenger at LAX, submitted an affidavit describing an attempt by a Hare Krishna devotee at LAX to perform what is known in Hare Krishna jargon as the "change-up" on him. A devotee asked Mr. Fernandez for money " 'for the children' ". When Mr. Fernandez offered to give her a dollar, the devotee asked him to provide a $20 bill in return for $19 change. When Fernandez gave the devotee a $20 bill, she gave him only $13 back and tried to hand him a book. When Mr. Fernandez refused the book and insisted on his change, the devotee became belligerent, stating that other people gave more money than Mr. Fernandez and that she had already given him back $18 in change. Only after more discussion and argument did the devotee relent and hand Mr. Fernandez the change that was due him. Mr. Fernandez felt that the devotee had obtained money from him under false pretenses by stating that her solicitation was " 'for the children' ". (Affidavit of Victor C. Fernandez, sworn to November 20, 1978, annexed hereto as Exhibit N.)

25. An affidavit was also submitted in the *LAX* case by Pierre Denard, the Air France station manager at LAX. Mr. Denard stated that in September 1978, a group of mayors from the Polynesian Islands, on their way to Paris to meet with French President Giscard d'Estaing, were

proceeding through an LAX terminal when two of the mayors, who spoke only French, were accosted by two male Krishna members. The Krishnas pinned miniature American flags on the mayors' lapels and requested a donation. Each of the mayors gave a 500 French franc note (then approximately equivalent to $120) and awaited their change. The two Krishnas, however, pocketed the money and departed. Still expecting change, the two mayors followed the devotees until a French legislator accompanying them learned of the problem and asked the Krishnas to return the money. In response, one of the Krishnas told the legislator that "he was nothing but a foreigner and that he had best keep his mouth shut because he had no right to interfere with their work." In the end, the Krishnas agreed to return 200 francs (approximately $48). (Declaration of Pierre Denard, dated September 29, 1978, annexed hereto as Exhibit 0).

26. Even more appalling conduct was related in the declaration of Paul Marks submitted in the LAX case. Mr. Marks, a mechanic for Western Airlines, stated that, because a fellow mechanic had ripped up a Hare Krishna book which had been left lying in the terminal area, two male Hare Krishna members verbally abused Mr. Marks and, when he tried to avoid an altercation, one of the devotees punched Mr. Marks with what appeared to be a set of brass knuckles. After falling to the ground, Mr. Marks tried to stand up, only to have the devotee kick him in the mouth, knocking three of his teeth through Mr. Marks' upper lip. Mr. Marks required more than 50 stitches to close his wounds. (Declaration of Paul Marks dated November 7, 1978, annexed hereto as Exhibit P).

C. Non-Religious Use of Sankirtan Funds

27. The public record indicates that a substantial portion of sankirtan funds derived from frauds such as those described above may have been used for secular and often criminal purposes. The Second Air India Interrogatories seek to confirm this information by asking for an accounting of the millions of dollars obtained by plaintiffs over the years.

(i) Weapons Purchases

28. One use to which this money may have been put was the purchase of weapons on a massive scale. It was reported in the June 25, 1980 issue of the Lakeport, California *Record-Bee* that members of plaintiffs' Moundsville, West Virginia temple had stockpiled an arsenal of AR-15 assault rifles, hand-guns, riot shotguns and carbines. (A copy of this article is annexed hereto as Exhibit Q). One member of the temple, moreover, was reported to have obtained a federal license to deal in firearms.

29. There have been reports of the stockpiling of arms and ammunitions at several other Krishna temples. In March 1980, for example, the *Record-Bee* reported that police investigating the theft of checks and credit cards belonging to a member of plaintiffs' Berkeley, California temple, obtained a search warrant for a Hare Krishna ranch near Lakeport. The search of the ranch uncovered: (1) a rifle-mounted grenade launcher; (2) an AR-15 combat rifle; (3) a number of other rifles, (4) shortbarrelled shotguns; (5) thousands of rounds of ammunition; (6) a bayonet; and (7) bows and arrows. In later accounts, the police were reported as suspecting that handguns, fully

automatic weapons, stolen dynamite and hand grenades had been spirited away after Krishna members learned that the search was planned. A week later, Berkeley police were reported as having discovered 350,000 rounds of ammunition, 9 tons of gunpowder and bullet-making equipment at the gun shop of a Hare Krishna member, who was arrested on charges of having a fraudulent passport. As already noted, plaintiff ISKCON's highest ranking official in California, Hans Kary, was arrested in May 1980 on weapons charges. (Various newspaper articles reporting these events are collectively annexed hereto as Exhibit R).

30. In June 1980, the Sacramento *Bee* reported that the Sacramento, California Sheriff's Department discovered a cache of weapons and ammunition in a rental locker, which a Hare Krishna official had previously alleged contained only religious supplies. (A copy of this article is annexed hereto as Exhibit S). From the locker, police seized 4 rifles, 4 shotguns, 400 live rounds of ammunition, reloading equipment and supplies, a pistol holster and rifle slings. This seizure came just three days after ISKCON officials had held a news conference in Berkeley at which they claimed: "It is against the policy of the International Society for Krishna Consciousness to keep any stockpile of weapons or ammunition for any reason." (*Id.*).

31. In May 1981, George A. Raczynski, one of plaintiff ISKCON's members, was arrested in Los Angeles after allegedly selling two fully-automatic machine guns to an undercover federal agent. (A copy of the article describing the arrest is annexed hereto as Exhibit T). The arrest of Raczynski came one week after Robert A.

Loretto, another Hare Krishna, had been indicted for possession of an unregistered machine gun. (*Id.*).

(ii) Narcotics Trafficking

32. There is also reason to believe that sankirtan proceeds have been used to purchase large quantities of heroin and other narcotics. In fact, one magazine article terms narcotics trafficking a "major financial pillar of the Krishna movement." Exhibit V *infra*, at 219. For example the June 22, 1980 Sacramento *Bee* reported that on October 22, 1977 Alexander Kulik, an aide to A.C. Bhaktivedanta Swami Prabhupada (hereinafter "Prabhupada"). plaintiff ISKCON's founder, was discovered asleep in a $60,000 Stutz Blackhawk automobile in a parking lot in Orange County, California with more than $1 million worth of "China white" heroin in the back seat. (A copy of this article is annexed hereto as Exhibit U). Kulik was a partner in Prasadam Distributing International (*see* Interrogatory No. 54), a firm which was reported to have laundered drug profits and which allegedly was funded by ISKCON seed money. (*See* Exhibit Y *infra*).

33. The article reported that Kulik had previously been kidnapped by one Steven Bovan, a rival drug dealer, in August 1977 and held for $100,000 ransom. Upon payment of this ransom, Kulik was released. The day before Kulik was arrested with the heroin, Bovan was shot to death. Three alleged Mafia members were arrested for the murder, and Kulik, along with six other Krishna devotees and associates, was charged with hiring Mafia "hitmen" to kill Bovan. According to the magazine account:

"At the trial, Kulik testified that he had traveled around the world as Prabhupada's personal fund raiser for seven years and had funneled him more than $2 million. It came out that the defendants had set up a company, Prasadam Distributing (named after the Krishna word for sanctified food or sustenance) partly, according to a statement from a former associate, to launder funds from the heroin smuggling and other operations.

"Krishna spokesmen claimed all those involved were former members with no connection to the movement. But during the trial, there surfaced a personal letter from Prabhupada that addressed the defendants by first names. Dated nine months before the arrests (and after the smuggling had been underway several years), it congratulated them on setting up Prasadam Distributing and had this curious advice: 'There is no need to engage in anything dishonest. Krishna has given enough money, now earn by honest means.'

"Prabhupada died before the trial date and so could not be called to testify.

"During the trial, the defendants pleaded guilty to charges of conspiring to kidnap Bovan in return for having the murder charges dropped. Kulik and other Krishnas were sentenced for this and a variety of heroin charges."

(This article is annexed hereto as Exhibit V). The article also reported that in April 1979 David Kulik, Alexander's brother, was arrested in London for possession of 65 pounds of hash oil. David Kulik was identified as a member of the Los Angeles ISKCON temple.

34. In April 1980, Gregory Martin Gottfried, a/k/a "Guru Kripta," a high-ranking member of the Krishna movement, was reported to have been arrested trying to smuggle two Kilograms (4.4 pounds) of "Asian white" heroin through the Amsterdam airport. (See Exhibit U, *supra*).

35. In February 1982 stories in the Orange County *Daily Pilot* and The *Register* reported that undercover narcotics agents arrested Roy Christopher Richard for conspiracy to sell more than $1 million worth of "China white" heroin, which heroin was seized from Richard at the time of his arrest. (Copies of these articles are annexed hereto as Exhibit W). Richard, a former president of plaintiffs' Laguna Beach temple, had been among those indicted for conspiracy to commit murder in the 1977 slaying of Stephen Bovan. (*See* ¶33, *supra*). Also arrested with Richard were two other members of the temple.

36. In December 1982, an article in the Philadelphia *Daily News* reported that a federal court in Philadelphia convicted George Flora, a member of that city's Hare Krishna community and a resident of the temple, for conspiracy to distribute three pounds of opium smuggled from India in three Buddhist statues. (A copy of the article is annexed hereto as Exhibit X). Flora claimed that the statues belonged to Victor Doran, the temple vice-president. Doran, who did not stand trial, was believed to have fled to India after being released on bail. In his 1979 deposition in this case, named plaintiff Rumbaugh testified that, as "Regional Secretary" for ISKCON's "Northeastern U.S. Zone", he had personal administrative

responsibility for the Philadelphia temple. (4/24/79 Rumbaugh Deposition at 20).

(iii) Profit-Making Ventures

37. Plaintiffs object to a group of interrogatories (Nos. 34, 35, 36, 37, 38, 45, 46, 47, 49, 51, 52, 53, 54, 55, 56, and 57) which seek information concerning a number of separately incorporated organizations. These interrogatories are designed to untangle the web of Krishna enterprises and ascertain the extent of the profit-making, commercial activities carried on by plaintiffs. Defendants seek to discover any improper diversion of monies by individuals within the Krishna organization. Interrogatory 35, for example, seeks to discover information about Spiritual Sky Scented Products, Inc. Plaintiff Brian Rumbaugh testified at his 1979 deposition in this action that Spiritual Sky was once part of ISKCON but later became a separate profit-making company. (4/29/79 Deposition of Brian Rumbaugh at 67). In fact, it appears that, after Spiritual Sky was established by a Governing Body Commissioner, James Immel, as a profit-making corporation in California in 1975, the New York temple loaned Spiritual Sky $282,000 and negotiated royalty agreements that entitled ISKCON to 7.5% of Spiritual Sky sales. In 1976, plaintiffs' California corporation acquired by deed of gift the interests in Spiritual Sky then held by plaintiffs' New York corporation.* This transaction enabled the California

* This arguably contradicts a statement in a letter "To whom it may concern" dated April 17, 1980 and signed by Gadahara Pandita das, Secretary-Treasuer of ISKCON:

(Continued on following page)

group to benefit from Spiritual Sky sales to Balarama's Enterprises, Inc. (see Interrogatory 51), a private, profit-making incense and oils wholesale distributor. Balarama's earnings were in turn siphoned off by the Bay Area temple. The newspaper account of these dealings also reported allegations that Balarama's Enterprises purchased a $60,000 airplane (see Interrogatories 6, 7, 8) to be used primarily by guru Hans Kary. (This newspaper article is annexed hereto as Exhibit Y).

38. In their motion for a protective order, (Plaintiff's Memorandum at 4) plaintiffs characterize BALA Books (*see* Interrogatory No. 38) as an entity separate from ISKCON. Plaintiff Brian Rumbaugh, however, has testified that BALA "is part of ISKCON, Inc. [and is] not a separate corporation." (*See* 4/29/79 Rumbaugh Deposition at 135). Plaintiffs also imply that Krishna Fashions (*see* Interrogatory No. 49) is not part of ISKCON. Krishna Fashions, however, is listed in an ISKCON financial statement for 1975 as a "subsidiary program". (4/24/79 Rumbaugh Deposition, Ex. 15).

39. Interrogatory No. 52 seeks to discover possible dealings between ISKCON and an entity known as Pin

(Continued from previous page)

> "[W]e do not make compensation to other temples, in as much as each temple is separately incorporated and governed by a separate group of officers. All temples are completely autonomous in their operations with neither financial or managerial dependence on another temple."

This letter was received in evidence by the trial court in *ISKCON v. Barber. supra,* as Defendant's Ex. U.

Up the World. Pin Up the World is a Krishna corporation which reportedly manufactures buttons which Krishnas sell or use when soliciting money from the public. According to one newspaper account, "some of the buttons reputedly advocate non-religious activities, such as reform of the marijuana laws." (*See* Ex. D, *supra*, at 3). One former Krishna reported that devotees sold "Go Orioles" buttons at the 1979 World Series in Baltimore; that at the World Series of Rock that year, they sold buttons advocating the reform of marijuana laws; and that "wherever Pope John Paul II went during his tour of the United States . . . devotees 'were hustling pope buttons for whatever price they could get.' " (*Id.*)

40. Interrogatory No. 53 is aimed at discovering any dealings between the Dey Memorial Trust and plaintiff ISKCON. The trust has as its purpose to exist as an "integrated auxiliary of ISKCON of California and the *international* Krishna movement." (*See* Ex. Y, p. 2) (emphasis added). ISKCON of California, Inc. apparently contributes almost $100,000 per year to the trust, which has substantial real estate holdings. When questioned about the trust, Robert Grant a/k/a "Rameswara Swami", told a reporter that he had never heard of Dey Memorial Trust. Grant, however, had in fact been a Dey Memorial trustee and had signed a conveyance of trust property to a successor trustee.

Conclusion

41. As demonstrated above, the Second Air India Interrogatories were based on substantial evidence that (1) plaintiff ISKCON and its leadership is seeking access

to defendants' terminal areas in order to defraud their customers of huge sums; and (2) these sums may be diverted to secular and even criminal purposes. If the discovery sought by defendants confirms this evidence, the Air India group will be able to answer the Second Circuit's three pronged inquiry on remand in the following manner: (1) The "right . . . asserted by the plaintiffs" in truth is the right to defraud defendants' customers; (2) The "justification" for defendants refusal to permit sankirtan on their property is the legitimate desire to protect customers and employees from fraud and violence; and (3) defendants' prohibition would have little, if any, "effect" on the exercise of legitimate First Amendment rights.

WHEREFORE, it is respectfully submitted that plaintiffs' motion for a protective order should be denied in all respects.

/s/ Philip Le B. Douglas
Philip Le B. Douglas

Sworn to before
me this 12th day of
October, 1984

/s/ Edward F. Westfield
Notary Public

EDWARD F. WESTFIELD
Notary Public, State of New York
No. 03-4781170
Qualified in Bronx County
Commission Expires March 30, 1985

EXHIBIT 1

DECLARATION OF CAROL BREIDENBACH

1. My name is CAROL BREIDENBACH and I reside in Los Angeles County, California;

2. I work for the City of Los Angeles, Department of Airports, as an Airport Guide and am stationed in the satellite portion of Terminal Building No. 2 (the International Satellite) for eight hours a day, three days a week;

3. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness;

4. My duties require me to be present at an information desk in the satellite portion of Terminal Building No. 2 that is located near the Customs Area. I offer information and any necessary verbal assistance to air travelers, especially those foreign air travelers using Los Angeles International Airport;

5. I have been an Airport Guide for approximately three (3) years and during that time have had the opportunity to view the Hare Krishna solicitors operating in the satellite portion of Terminal Building No. 2. My desk is located within approximately 25 feet of the top of the escalators and close to the narrow corridors that lead to the Boarding Gates. The Hare Krishna solicitors typically operate very near the top of the escalators or in the narrowest part of the narrow corridors;

6. Typically, the Hare Krishna solicitors stand either directly in front of the up or down escalator in the satellite portion of the building or they line up across a narrow corridor that leads to the Boarding areas.

Recently, the Hare Krishna solicitors have, in addition to blocking the narrow corridor with their bodies, placed cartons of materials (i.e., books) and food containers in the narrow corridor so as to partially block access through this narrow corridor and obstruct members of the traveling public. I have seen several Hare Krishna members standing directly in front of the escalators coming into the satellite and stopping people directly in front of these escalators so as to block the exit of people from the escalator. Because of this blockage of the exit from the "up" escalator, people attempting to come up the escalator cannot easily exit the escalator and sometimes have to backstep on the escalator until the blockage cleared. Several people I recognize to be Hare Krishna solicitors are in the terminals almost every day passing out real or fake flowers, magazines or books, or little paper American flags;

7. In exchange for these articles, the Hare Krishna solicitors seek money;

8. I have never heard the Hare Krishna solicitors mention religion in the spiel they use to solicit funds;

9. I have seen many of the Hare Krishna solicitors wearing identification cards that state in bold dark letters "Student Teacher". I believe the identification card also has in much smaller and lighter print the letters I.S.K.C.O.N. at the bottom of the card. The portion of the card that states "Student Teacher" is visible from a distance of at least ten feet, whereas the letters I.S.K.C.O.N. are not particularly noticable because of the light and small print. Other than the letters I.S.K.C.O.N. there is no indication on this card that the solicitors are connected to

the Hare Krishna movement. I have hears numerous Hare Krishna solicitors state to people that they are student teachers and then ask for donations for "educational purposes". During these solicitations which I overheard, there was no mention of religion;

10. As mentioned earlier, the Hare Krishna solicitors often give out small paper American flags. They give these flags to many of the foreign travelers coming into Los Angeles International Airport. I have heard Hare Krishna solicitors, after giving out these little United States flags, state that this was "a greeting from the United States". Statements such as this to the foreign traveler seems to give them the impression that the solicitors are either airport or government employees here to greet them to the United States;

11. I have also seen a Hare Krishna solicitor state to a foreign traveler that the Hare Krishna solicitor was collecting for "an organization for children";

12. I have also seen Hare Krishna solicitors shortchange people who wish to donate a small amount. This shortchanging is particularly used against the foreign travelers that often do not appear to know the American monetary denominations or exchange rates. In addition, I have seen many Hare Krishna solicitors confuse, intimidate, and hassle people into giving more money than they originally indicated they wished to give. Typically, the confusing and intimidating solicitation technique takes the following form. A person who indicates that he would be willing to give $1.00 to the Hare Krishna solicitor or that he is not willing to make a donation but is willing to exchange a high denomination bill for the same

amount in smaller bills will be asked by the solicitor for a $20 or a $50 bill so that the solicitor may get rid of smaller bills in change or in exchange. If the person offers a larger bill, the Hare Krishna solicitor typically returns only a very small amount in change, again asking the person to donate the remainder. In order for the person to obtain the full amount of his change, he has to stand there, continuously refusing to donate more, and continuously demanding the full amount of his change. I have seen this approach used by Hare Krishna solicitors many times;

13. I have been told by a Hare Krishna solicitor by the name of "Rosi" that the Hare Krishna solicitors quit wearing their distinctive gowns "because people won't give any money if they know we are Hare Krishna". The Hare Krishna solicitor named "Rosi" reponded to my question "why don't you tell people your Hare Krishna", by stating that "if we told them, they wouldn't give";

14. People who refuse to give money to the Hare Krishna solicitors are often times called names by the solicitors in an apparent attempt to embarrass them and intimidate others into giving. Approximately 20 people per day complain to me about the Hare Krishna solicitation techniques;

15. After approximately one year of watching various Hare Krishna solicitors misrepresent themselves or their cause to people and after watching them take advantage of the foreign travelers, I put up a hand-made sign to the effect that "Hare Krishna devotees are soliciting in the Airport. You do not have to give them any money. Please save your money". I did this because I felt

that many unsuspecting people, especially the foreign travelers, had a right to know who they were giving money to and that they were not airport or government officials and further that they did not have to give any money to these people. I put up this sign without Department of Airports' permission and was later told that such signs were not permitted and that I had to take the sign down;

16. I have been threatened and intimidated several times by Hare Krishna devotees. I was first threatened on February 20, 1978, when a person I knew to be a Hare Krishna solicitor came up to me and said a Krishna member "is going to get you killed". Since that threat, a person I know to be a Hare Krishna member took my picture several times even though I indicated that I did not want him to take my picture. The man who took my picture has hung around the terminal watching me on several different days. Since the initial threat, I have been followed by Hare Krishna members and have been told by a Hare Krishna member "you're not going to be here much longer";

17. I am aware of other threats made by Hare Krishna members against airline personnel that have either made announcements that Hare Krishna members were in the terminals or intervened in disputes between passengers and Hare Krishna members. Because of the threats against me, because of the Western Airline employee battery, and because of the other threats that have occurred, I am fearful for my life. These threats have interfered with the ability to do my job and further has required me to change my parking place and seek escorts back and forth to the parking lot.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on November 30, 1978, at Los Angeles, California.

/s/ Carol Breidenbach
Carol Breidenbach

EXHIBIT 4

DECLARATION OF GLORIA CONKLIN

I, GLORIA CONKLIN, declare:

1. My name is GLORIA CONKLIN and my places of business are the Mutual of Omaha insurance counters in the Terminal Buildings at Los Angeles International Airport.

2. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness.

3. All of the events described below in paragraphs 4, 6 and 7 occurred in the Satellite portion of the Terminal Buildings at Los Angeles International Airport.

4. On Labor Day weekend, 1978, I observed a male person I recognized as a Hare Krishna member (this member and others had solicited and sold books near me in front of the escalators) approach a girl, approximately 13 years old, and repeatedly requested a donation. A middle-aged lady who was with the young girl and who identified herself as the young girl's mother, repeatedly informed the Hare Krishna member that they did not wish to make a donation and repeatedly asked the member to leave them alone. During this solicitation attempt, the mother and daughter backed up until they were forced up against the insurance counter. The young girl appeared scared and began crying and the mother requested me to call the police. After the mother repeatedly requested that the Hare Krishna member leave them alone, the mother slapped the Krishna member. The male Hare Krishna member then formed a fist and prepared to

strike the mother when a third party intervened to stop the blow.

5. Shortly after the incident described in paragraph 4 occurred, I spoke to a Hare Krishna member about their solicitation methods. After these confrontations, a male person I recognized as a Hare Krishna member followed me out of the Satellite, down the concourse, through the ticketing building, and into the parking structure to my car. Seeing the incident and physical altercation described in paragraph 4, plus the fact that I was followed to my car, made me afraid and apprehensive for my safety.

6. Within the last two months, I observed a person I recognized as a Hare Krishna member (this member distributed forms and Hare Krishna books with other Hare Krishna members) solicit funds from Hispanic people by representing that the money would go to the "Catholic Relief Mission."

7. Within the last two months, I observed another person I recognized as a Hare Krishna member (this member distributed flowers and Hare Krishna books and was working with other Hare Krishna members at the top of the escalators) approach a young man in a U.S. Navy uniform and request money stating that the Hare Krishna member was from "a society to bring the M.I.A.'s home from Viet Nam." I observed and overheard the Navy man state that he thought "this was a good cause" and he then endorsed his whole pay check to the Hare Krishna member.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on October 23, 1978, at Los Angeles, California.

/s/ Gloria Conklin
GLORIA CONKLIN

EXHIBIT 9

AFFIDAVIT
OF
VICTOR C. FERNANDEZ

1. My name is VICTOR C. FERNANDEZ and I reside in Pontiac, Michigan.

2. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness.

3. On September 7, 1978, at approximately 10:30 a.m., I was in a Terminal Building at Los Angeles International Airport on my way to catch an airplane.

4. At the end of the tunnel concourse I used an escalator to enter the satellite area.

5. As I stepped off the escalator, a young lady I believe to be a Hare Krishna devotee stepped in front of me and blocked my way. Although I tried to walk around her, she stopped me by pinning a small imitation flower on my lapel.

6. The devotee then asked for money stating that "we do it for the children". In response to this request, I offered to give her one ($1) dollar.

7. The devotee replied that the one ($1) dollar donation would be fine and then asked if I would give her a twenty ($20) dollar bill for nineteen ($19) dollars change. I gave her the twenty ($20) dollar bill. She then handed me a ten ($10) dollar bill and three (3) one ($1) dollar bills and then tried to hand me a book about the Hare Krishna group.

8. I politely refused the book and asked for the remainder of my change.

9. The devotee then became very beligerant stating that other people gave more than I and further that she had already given me back eighteen ($18) dollars in change. In response, I showed her the thirteen ($13) dollars she had given me and again requested the remainder of my change. The devotee then gave me two ($2) dollars more but refused to give me any more of my change. Finally, after more discussion and argument, made the devotee return the four ($4) dollars change due me.

10. The devotee did not have permission when she handled my clothing and I found this action offensive.

11. The devotee obtained money from me on false pretenses in that –

a. She stated that money was "for the children", and

b. She had no intention of returning my change to me.

12. The devotee obstructed my way and interfered with my travel.

Executed this 20 day of November, 1978, at Pontiac, Michigan.

County of Oakland

/s/ Victor C. Fernandez
VICTOR C. FERNANDEZ

SWORN TO, STATED UNDER OATH
AND SUBSCRIBED BEFORE ME THIS
20 day of November, 1978.

/s/ Richard C. Hohm
Notary Public

RICHARD C. HOHM
Notary Public, Oakland County, Michigan
My Commission Expires April 1, 1980

EXHIBIT 11

DECLARATION OF PIERRE DENARD

1. My name is PIERRE DENARD and I am the Station manager in charge of Air France's operations at Los Angeles International Airport.

2. I speak fluent French and English.

3. On Friday, September 15, 1978, I was on duty in Satellite 2, at the Los Angeles International Airport.

4. On the above date, a French Air Force airplane arrived at Satellite 2 and deplaned a group of mayors from the Polynesian Islands on their way to Paris, France, to meet with President Giscard d'Estaing. The mayors were accompanied by French Congressman Gaston Flosse.

5. Two mayors, who spoke only French exited the Customs area and were immediately grasped by two male members of the Hare Krishna organization who proceeded to pin miniature American flags on the mayors' coat lapels and then requested a donation.

6. Each of the two mayors gave the Hare Krishna members a five hundred (500) French Franc note (equivalent to approximately one hundred twenty United States dollars ($120). The two members expected and waited for change to be returned.

7. The two Hare Krishna members pocketed the money and departed, but the two mayors followed still expecting some change to be returned.

8. Mr. Flosse, the French Congressman, discovered the problem and at the request of the two mayors, asked the Hare Krishna members to return some of the money.

9. In response to this request, one of the Hare Krishna members told Mr. Flosse that he was nothing but a foreigner and that he had best keep his mouth shut because he had no right to interfere with their work. The Hare Krishna members finally agreed to return two hundred (200) Francs [approximately forty-eight ($48) dollars].

10. I was then asked to intervene and obtain a return of the money. I explained to the Hare Krishna members that the two French-speaking mayors did not speak English and did not understand what had happened. I further asked that the Hare Krishna members show me their identification cards. The Hare Krishna members were very rude to me and refused to return any more of the money or to identify themselves.

11. As Station Manager for Air France at Los Angeles International Airport, I receive many complaints, especially by foreign travelers, concerning the conduct of Hare Krishna members when they are soliciting money.

12. Many of the foreign travelers I have seen solicited by Hare Krishna members appear to be very confused by the Hare Krishnas' actions, and further, they appear to feel obligated to give the members money. This is especially true when the foreign traveler first enters this country and is presented with a small American flag in a large, obviously government-owned Airport.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of September 1978 at Los Angeles, California.

/s/ Pierre Denard
PIERRE DENARD
Declarant

EXHIBIT 16

DECLARATION OF PAUL MARKS

I, PAUL MARKS, declare:

1. My name is PAUL MARKS and I reside in Los Angeles County, California;

2. I work for Western Airlines as a Mechanic in Satellite Building 5 at Los Angeles International Airport;

3. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness;

4. At approximately 2:30 p.m. on December 23, 1977, I was in uniform with three fellow Western Airlines mechanics in the Satellite portion of Terminal Building No. 5 shortly before our shift started;

5. One of the mechanics that I was with made a practice of collecting unwanted Krishna books lying around in the terminals and reselling them to the Krishnas for a price of $1.00 per book. He approached a Hare Krishna female member and offered several books to her for $1.00 each. She offered to pay $.50 per book. My friend at this point started to rip one of the Hare Krishna books up;

6. Almost immediately, two men approached the four of us from each side. They began a verbal altercation with us by saying "you are messing with our people." Another said, "what are you doing with the book? If you want to fight, why don't you fight with us". We then informed these Hare Krishna members that we could not fight while on duty.

7. At this point we went back to our duty station on the operations level of Satellite 5. About two hours after the incident described in paragraph 6, I again entered Satellite 5 to get a pack of cigarettes. After I had purchased the cigarettes, I walked toward the elevator to go back to the operations level when the same two male Hare Krishna members approached me and started to again verbally harass me. One of the Hare Krishna members stated that he thought that I was a "faggot" and was also a " ___ asshole for tearing up the Krishna books";

8. I turned around to avoid an altercation and began to walk toward the elevator. A few feet closer to the elevator these two members again engaged in calling me profanities. I noticed that one of these Hare Krishna members had a raised object on his right hand that appeared to be brass knuckles. As I turned, again trying to walk away from these Hare Krishna members, the one wearing what appeared to me to be a set of brass knuckles, struck me with them on the left side of my face, close to my left eye. The blow sent me staggering several feet backwards into the Mutual of Omaha insurance counter, then into the wall, and finally I fell on the floor. As I tried to stand up, this same Hare Krishna member kicked me in the mouth, knocking three of my front bottom teeth through my upper lip. He then turned and ran down the escalators and through a side corridor to get away.

9. I was taken to the Western Airlines Ground Supervisor's Office by a fellow employee after this incident. I was then driven to Centinela Valley Hospital for emergency treatment. I was given 44 stitches on the inside of my mouth and 12 stitches on the outside of my

mouth to close these wounds. I had three teeth sticking through my lip on the way to the hospital. This caused me extreme pain;

9. A dentist was called to the hospital to wire these three teeth back into my lower gums. He has since informed me that he doubts that these three teeth will permanently remain in my lower gums due to the extent of these injuries.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 7 day of November, 1978, at Los Angeles, California.

/s/ Paul B.Marks
PAUL MARKS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., Plaintiffs, -against- WALTER LEE, et al., Defendants	DECLARATION OF BRIAN RUMBAUGH IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, AND EXHIBITS 75 Civ. 5388 (MJL)

Brian Rumbaugh declares under penalty of perjury as follows:

1. I have been an adherent of the Krishna consciousness religion for the past 15 years, and have been associated with the International Society for Krishna Consciousness, Inc. (hereinafter referred to as "New York Temple"), for this entire period. I am also known by the Sanskrit name Romapada Swami. The purpose of this declaration is to clarify for the Court the areas where New York Temple members are currently permitted to distribute literature and collect donations, and to define the specific areas to which they currently seek access.

2. During the 15 years in which I have been a devotee, I have served the New York Temple in a variety of capacities, including President from 1977 to 1978, and from 1982 to 1983. I was also *sankirtan* coordinator from

1980 to 1982, and am currently involved in the supervision of devotees throughout the New York area in preaching the Krishna consciousness religion and distributing religious literature to the general public. My duties, past and present, include *sankirtan* activities at the LaGuardia, Newark and John F. Kennedy Airports ("JFK"), both as *sankirtan* coordinator, and as a book distributor. I am thus intimately familiar with the layout and facilities at the three airports.

3. At present, New York Temple members are permitted to distribute religious literature and collect donations in certain areas at the three metropolitan airports. Those areas, which are designated on the attached exhibits, are as follows: (1) the second floor Central Terminal main lobby area at LaGuardia, designated 1-a in Exhibit 1, attached hereto; (2) the Central first floor lobby area of the north Terminal at Newark, designated 4-a in Exhibit 4, attached hereto; (3) the arrivals level lobby/mezzanine area of Terminal B at Newark, designated 6-a and 6-b respectively on Exhibit 6, attached hereto; and (4) the second floor lobby/mezzanine area of the International Arrivals Building ("IAB") at JFK, designated 8-a on Exhibit 8, attached hereto.

4. New York Temple members also have limited access to the Eastern Airlines Unit Terminal at JFK; the Eastern Airlines Shuttle Terminal at LaGuardia Airport, and; the Eastern Airlines departure lounge at LaGuardia.

5. New York Temple members seek further access, however, to the following specific areas from which they are presently excluded:

LaGuardia Airport: (1) the second floor Central Terminal finger areas designated 1-b on Exhibit 1, attached hereto; (2) the second floor Central terminal corridor areas designated 1-c on Exhibit 1; (3) the second floor Central Terminal West Wing lobby area designated 1-d on Exhibit 1; (4) the second floor Central Terminal departure and lobby areas designated 1-e on Exhibit 1; (5) the first floor Central Terminal Circulation areas designated 2-a, 2-b, and 2-c respectively on Exhibit 2, attached hereto; and (6) the first and second floor Delta Unit Terminal circulation areas designated 3-a and 3-b respectively in Exhibit 3, attached hereto.

Newark Airport: (1) The arrivals level circulation areas of Terminal A designated 5-a and 5-b respectively on Exhibit 5, attached hereto; (2) the departure level mezzanine/lobby and corridor areas of Terminal A designated 5-c and 5-d respectively on Exhibit 5; (3) the arrivals level circulation areas of Terminal B designated 6-a and 6-b respectively on Exhibit 6, attached hereto; and (4) the departure level mezzanine/lobby and corridor areas of Terminal B designated 6-c and 6-d respectively on Exhibit 6.

JFK Airport: (1) the first floor IAB arrivals lobby designated 7-a on Exhibit 7 attached hereto; (2) the second floor East and West Wing Building corridors and lobby areas designated 8-b, 8-c, 8-d, and 8-e respectively on Exhibit 8, attached hereto; and (3) various general circulation areas in the respective Unit Terminals designated in plain yellow on Exhibits 9-18 attached hereto.

6. It should be emphasized that New York Temple members do *not* seek to perform their activities in any private offices, ticket counters and lines, check-in areas,

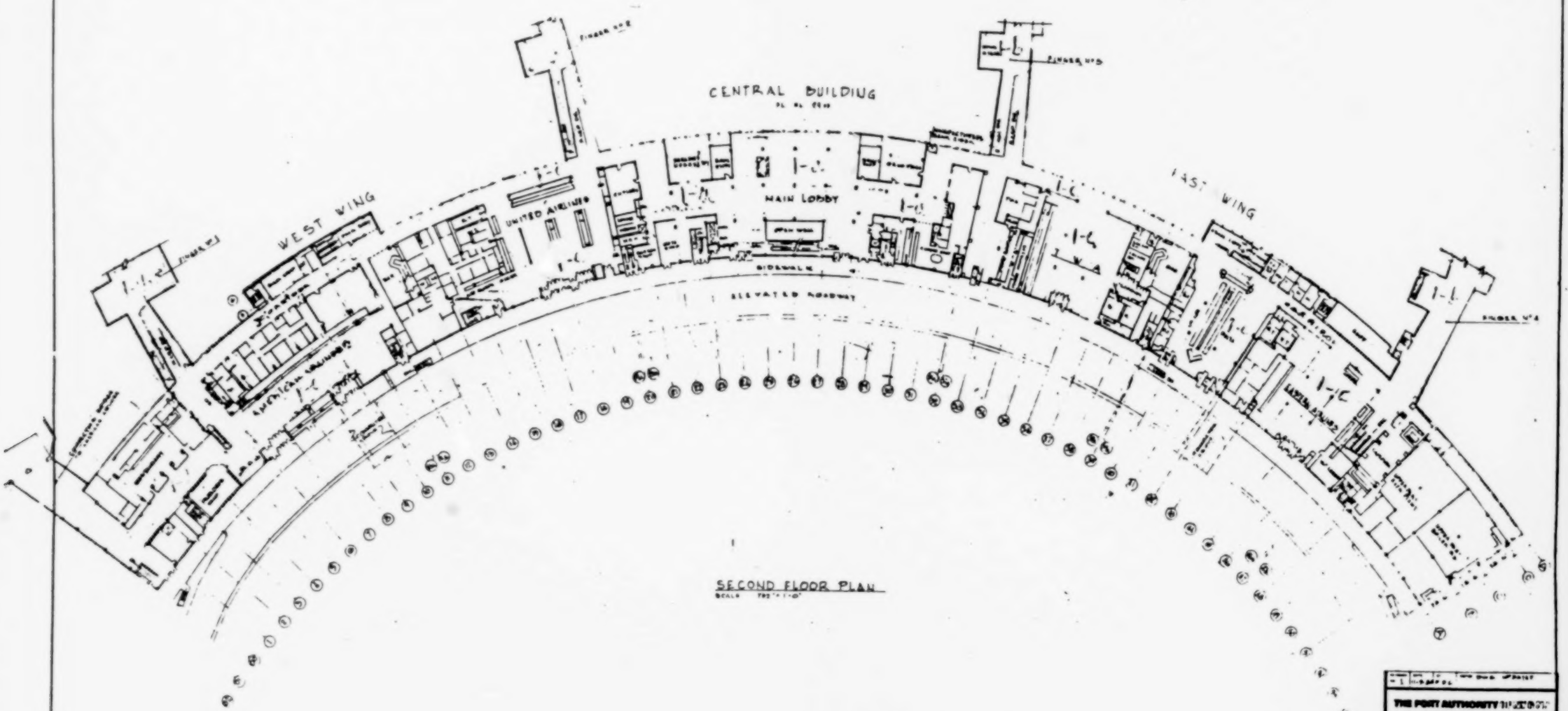
baggage claim areas or lines, or exclusively leased waiting areas which may be located in the areas described above. On the contrary, ISKCON members seek to conduct their activities *only* in areas of general circulation, including corridors, lobbies, and areas which are bordered by shops, restaurants, lounges and other commercial establishments unrelated to air transportation.

7. Based upon my years of personal involvement with the airports, the locations outlined above are analogous to metropolitan commercial areas, and are therefore suitable and appropriate for the performance of *sankirtan*.

Executed this 14th day of August, 1985, at New York City, New York.

/s/ Brian Rumbaugh
Brian Rumbaugh

EXHIBIT 1



SECOND FLOOR PLAN

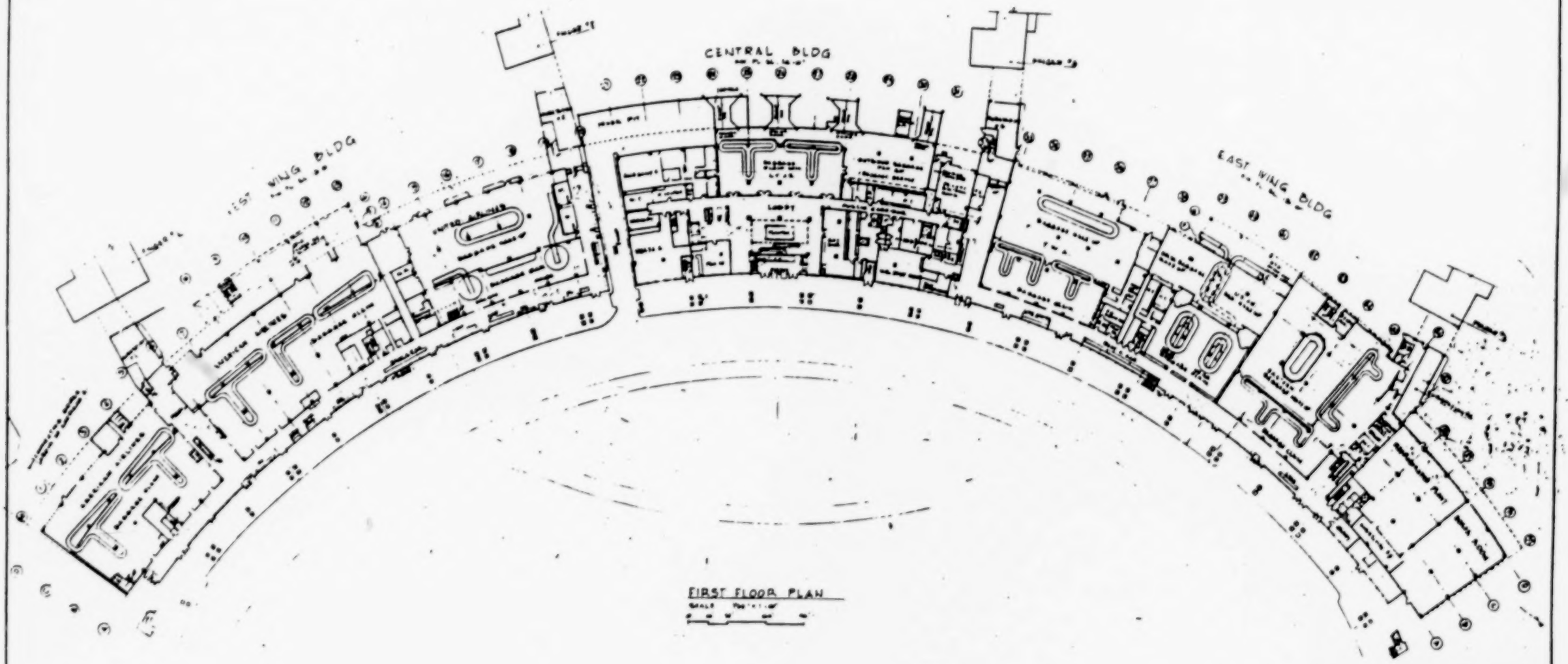
THE PORT AUTHORITY OF N.Y. & N.J.
Aviation Department
Aviation Planning Division
La Guardia Airport LGA

TERMINAL BUILDING
SECOND FLOOR PLAN

7473		7124	
7123		7474	
7155		7155	

3-71 LOA 1155

EXHIBIT 2



FIRST FLOOR PLAN

THE PORT AUTHORITY OF NY & NJ
Aviation Department
Aviation Planning Division
La Guardia Airport LGA

TERMINAL BUILDING
FIRST FLOOR PLAN

7475 7124
7152 7474
7198 7199

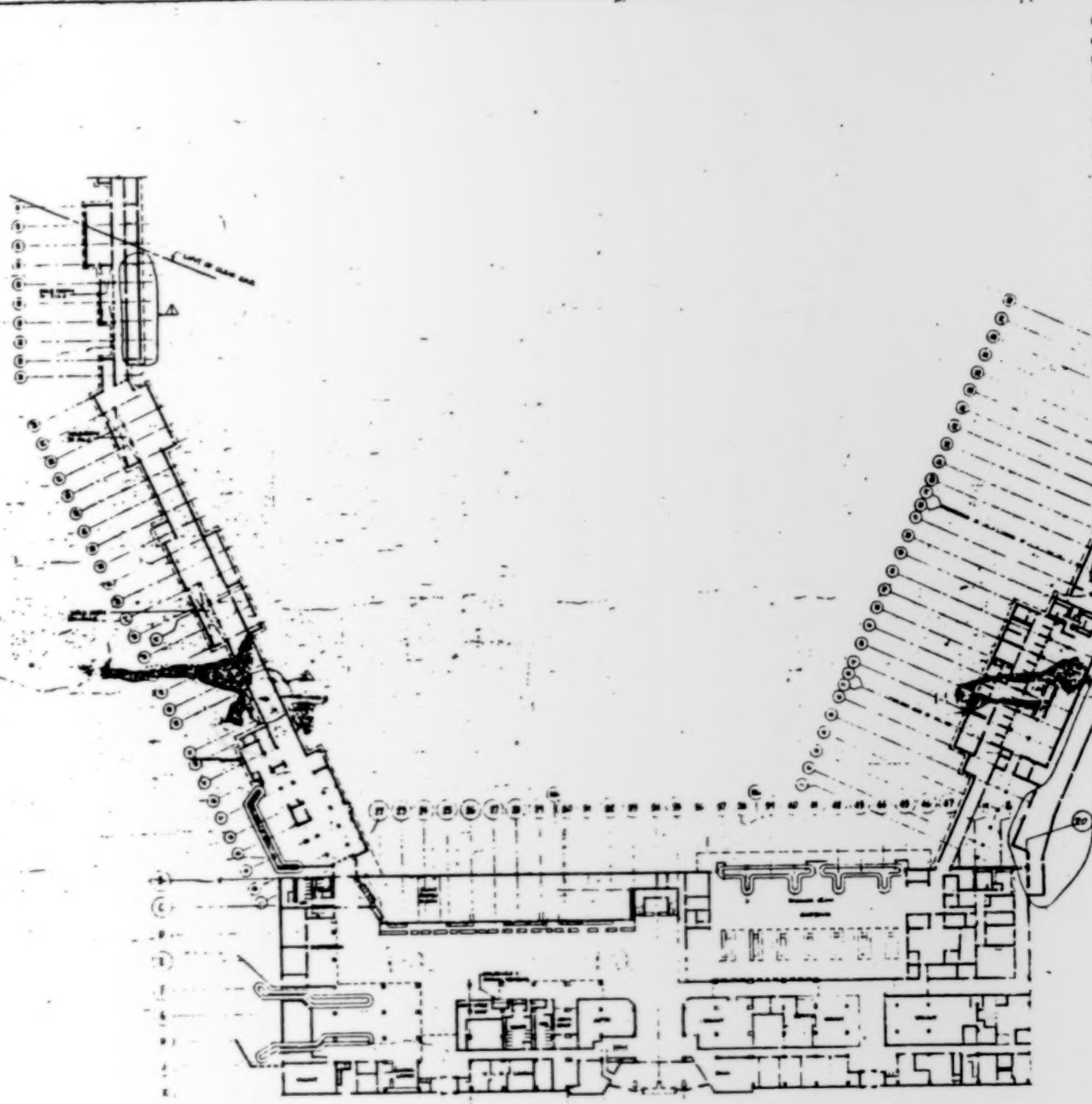
2/6

LOA7102

OVERSIZE FOLDOUT(S) FOUND HERE IN THE PRINTED EDITION OF THIS VOLUME ARE FOUND FOLLOWING THE LAST PAGE OF TEXT IN THIS MICROFICHE EDITION.

SEE FOLDOUT NO 1

EXHIBIT 4



NORTH

THE PORT AUTHORITY OF NY & NJ
Aviation Department
Aviation Planning Division

Newark International Airport NIA

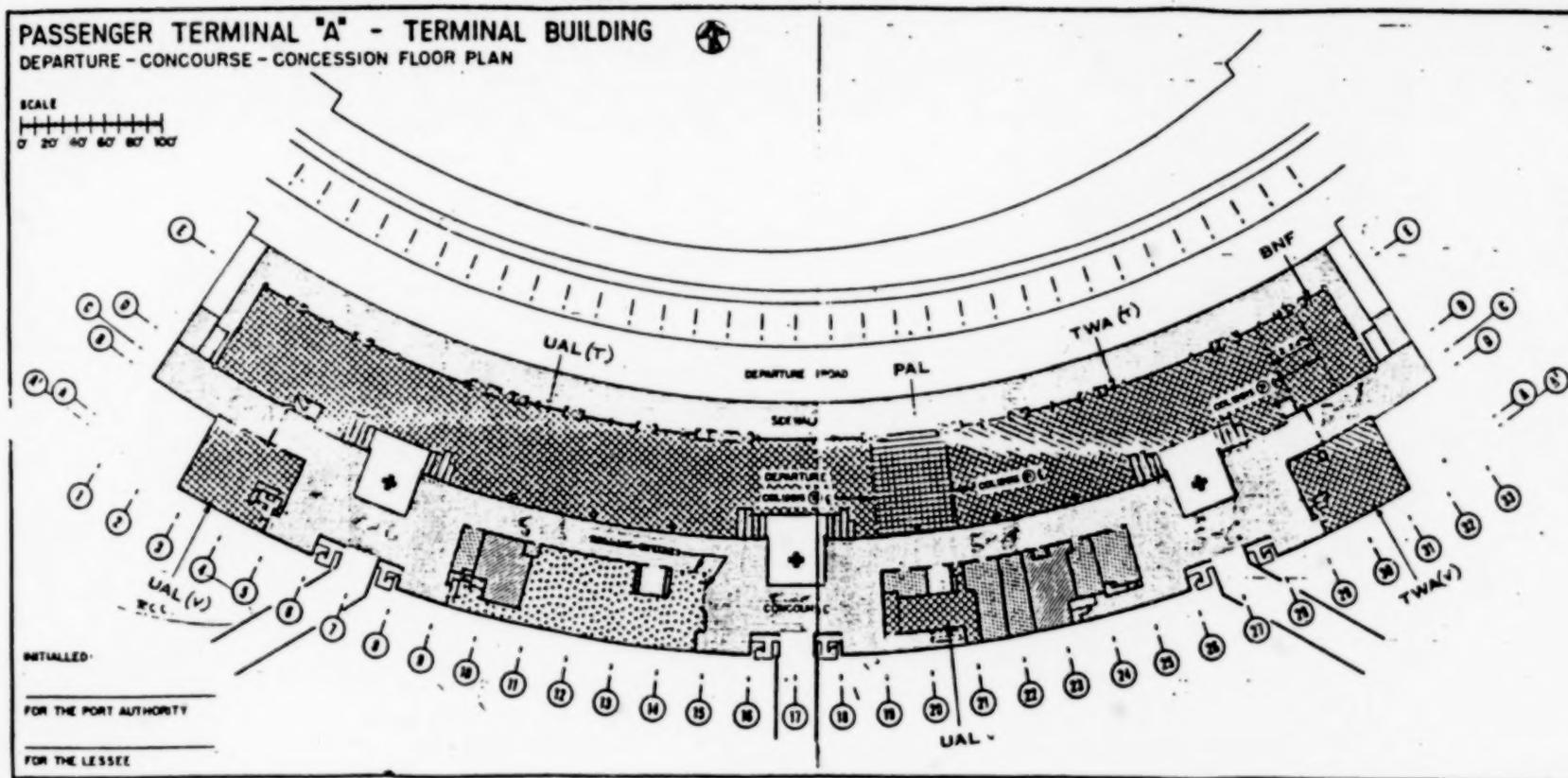
NORTH TERMINAL
FIRST FLOOR PLAN

NIA 3599

EXHIBIT 5

PASSENGER TERMINAL "A" - TERMINAL BUILDING

DEPARTURE - CONCOURSE - CONCESSION FLOOR PLAN



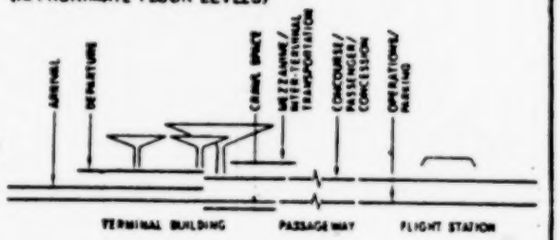
INITIALLED:

FOR THE PORT AUTHORITY

FOR THE LESSEE

PASSENGER TERMINAL

PASSENGER TERMINAL "A" SECTION
(APPROXIMATE FLOOR LEVELS)



LEGEND: PATTERN "B"

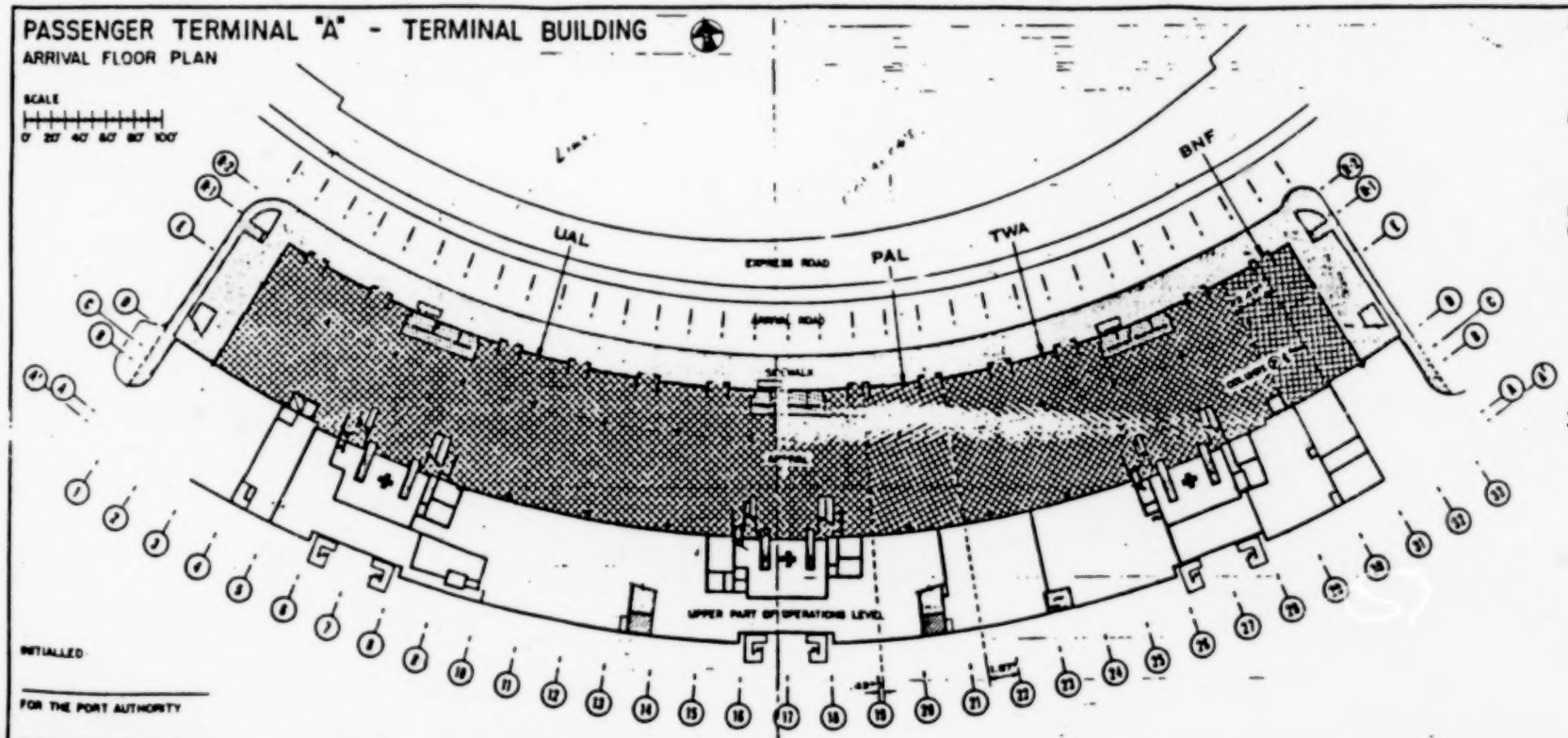
EXHIBIT A

THE PORT OF NEW YORK AUTHORITY
NEWARK AIRPORT

3-1-72 (A) NA72-25

PASSENGER TERMINAL "A" - TERMINAL BUILDING

ARRIVAL FLOOR PLAN



INITIALLED

FOR THE PORT AUTHORITY

FOR THE LESSEE

PASSENGER TERMINAL "A" KEY PLAN

PASSENGER TERMINAL "A" SECTION
(APPROXIMATE FLOOR LEVELS)

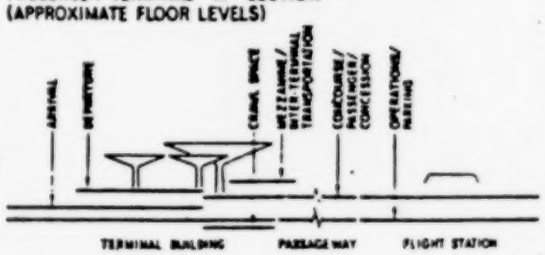


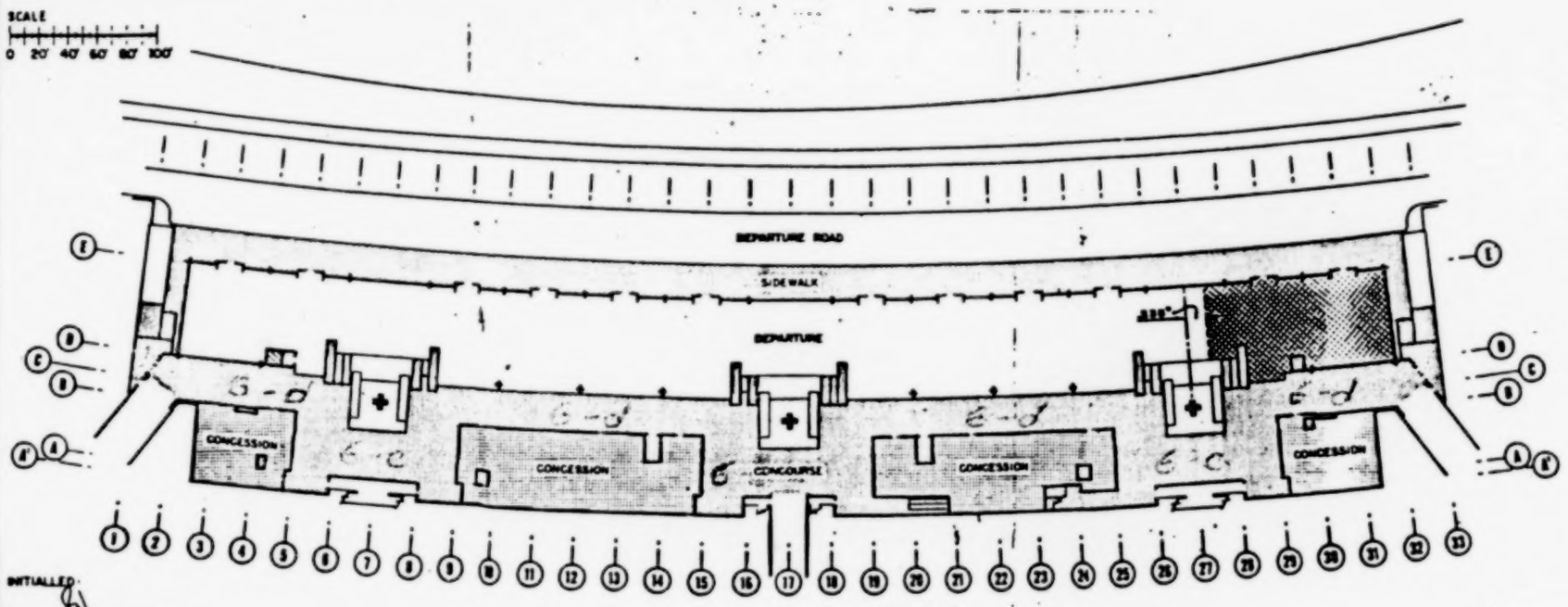
EXHIBIT A-1

THE PORT OF NEW YORK AUTHORITY
NEWARK AIRPORT

3-1-72 (A) NA72-26

PASSENGER TERMINAL "B" - TERMINAL BUILDING

DEPARTURE - CONCOURSE - CONCESSION FLOOR PLAN



INITIALLED:

FOR THE PORT AUTHORITY

FOR THE LESSEE

PASSENGER TERMINAL "B" KEY PLAN

PASSENGER TERMINAL "B" SECTION
(APPROXIMATE FLOOR LEVELS)

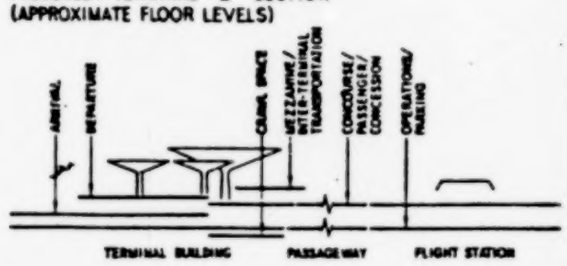


EXHIBIT A

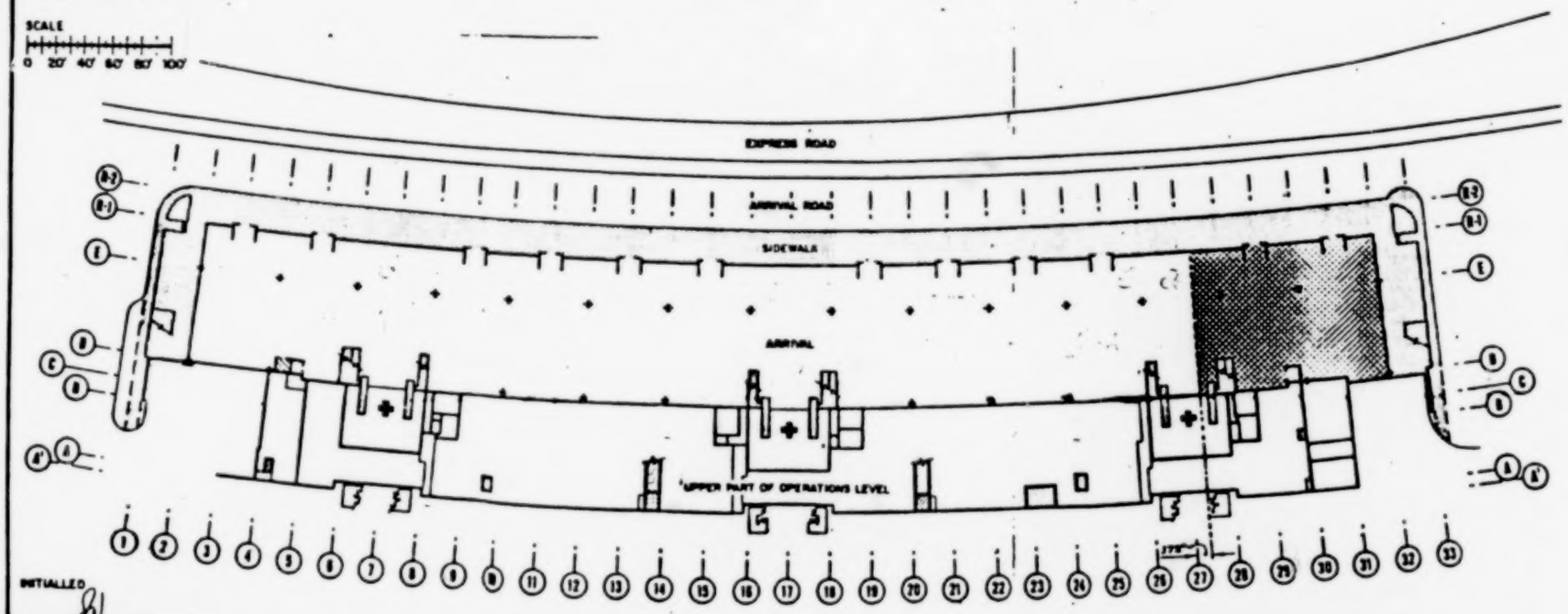
THE PORT OF NEW YORK AUTHORITY

NEWARK AIRPORT

2-12-68 (B) NAEB-81

PASSENGER TERMINAL "B" - TERMINAL BUILDING

ARRIVAL FLOOR PLAN



INITIALLED:

FOR THE PORT AUTHORITY

FOR THE LESSEE

PASSENGER TERMINAL "B" KEY PLAN

PASSENGER TERMINAL "B" SECTION
(APPROXIMATE FLOOR LEVELS)

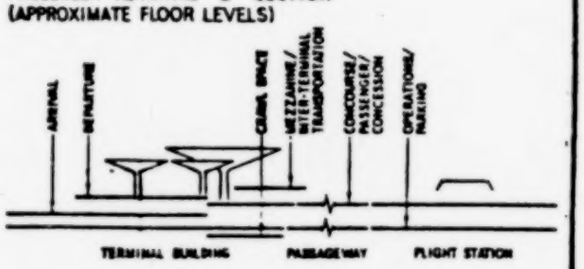


EXHIBIT A-1

THE PORT OF NEW YORK AUTHORITY

NEWARK AIRPORT

2-12-68 (B) NAEB-82

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SEE FOLDOUT NO 2-3

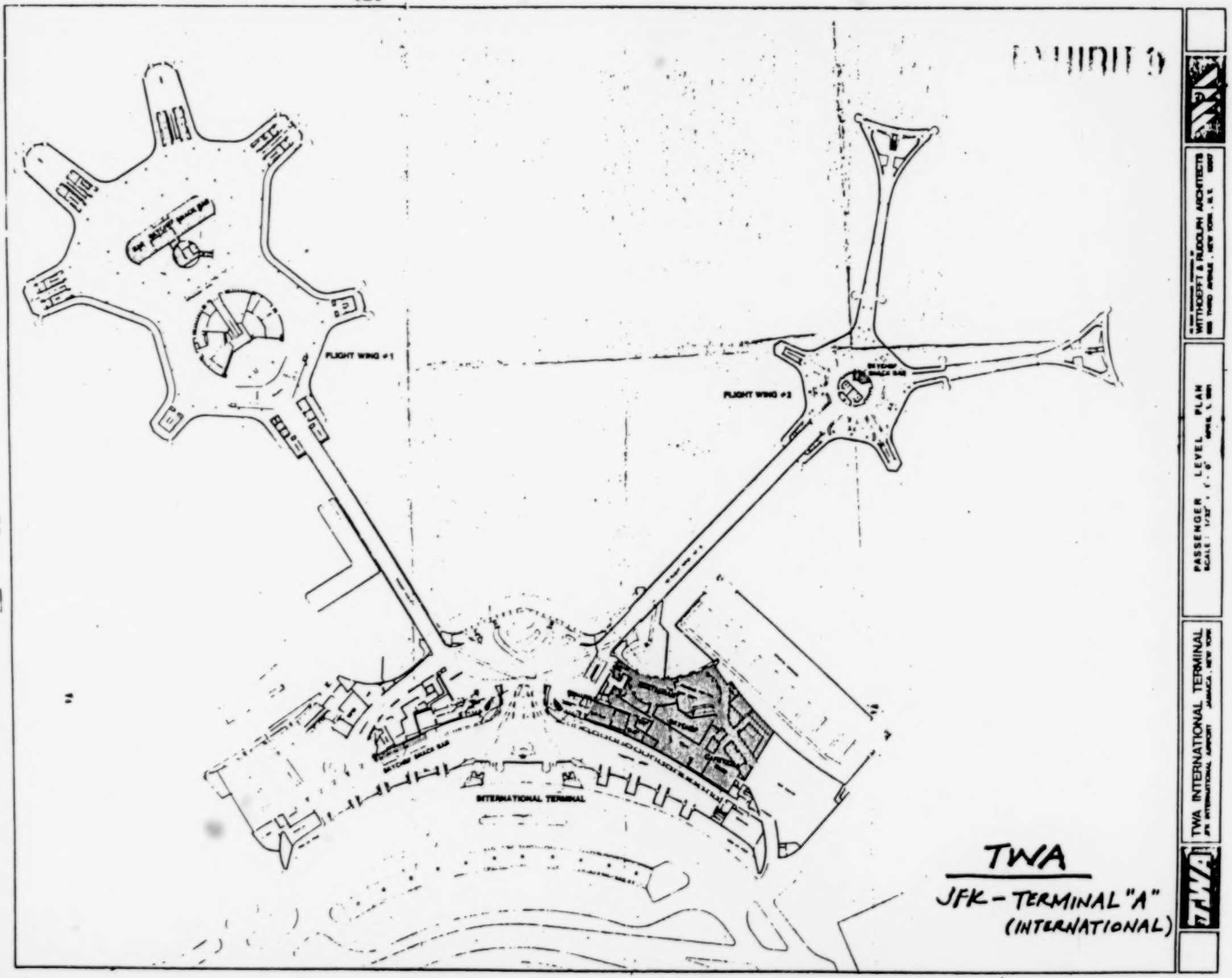
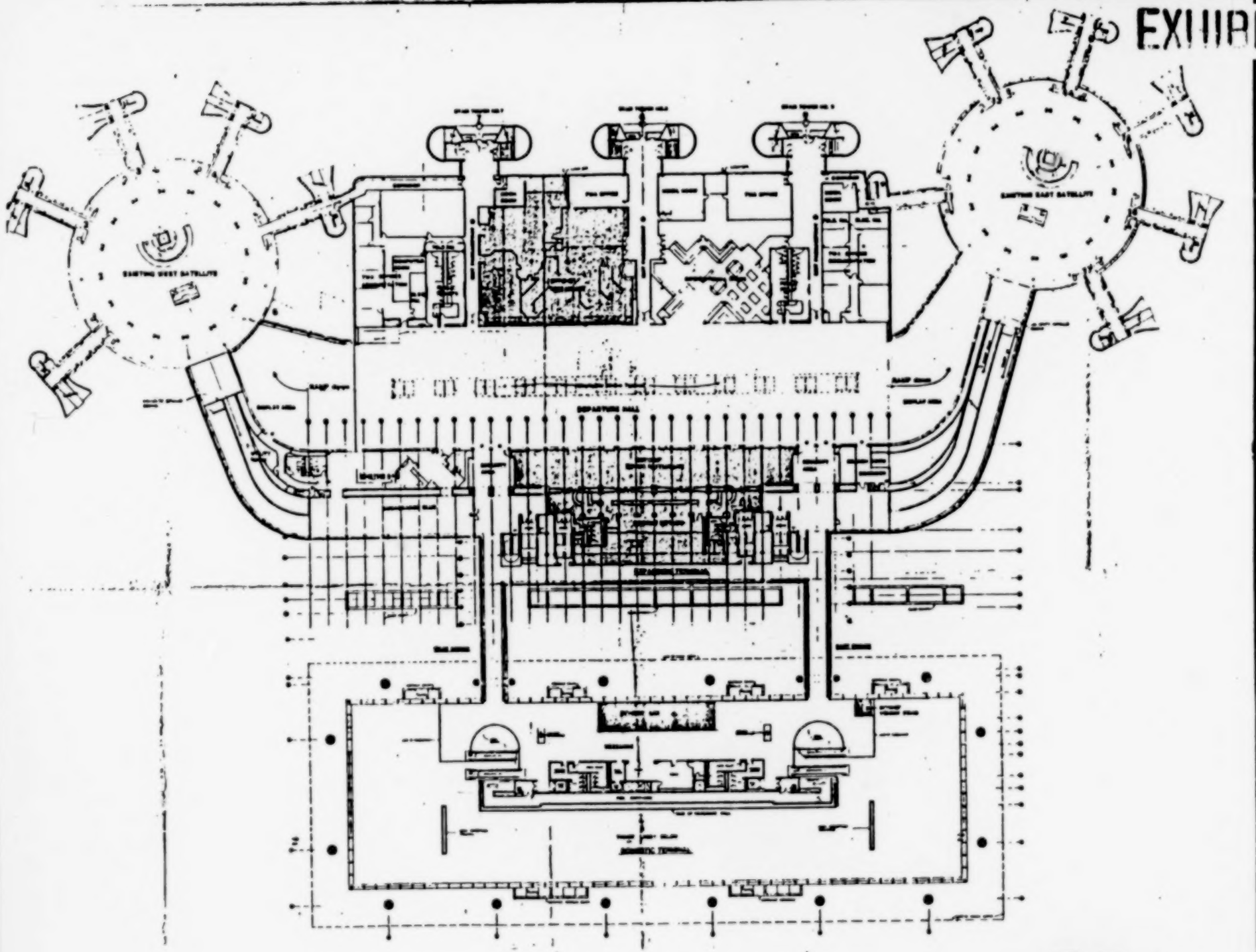


EXHIBIT 9
FLIGHT WING #1
FLIGHT WING #2
INTERNATIONAL TERMINAL
TWA
JFK - TERMINAL "A"
(INTERNATIONAL)
WILTHOEFT & RUDOLPH ARCHITECTS
PASSENGER LEVEL PLAN
TWA INTERNATIONAL TERMINAL

EXHIBIT 10

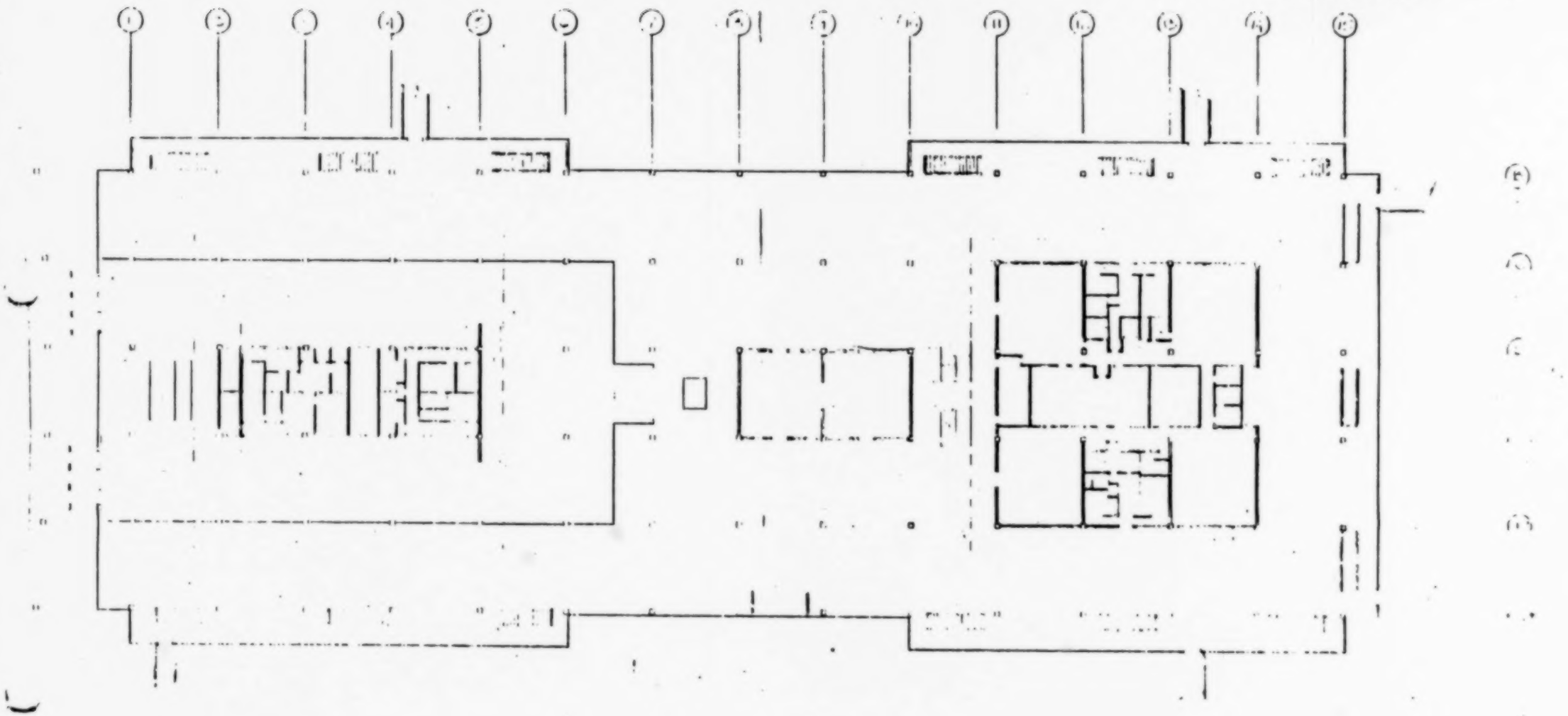


MEZZANINE LEVEL PLAN
TICKETING LOBBY

TWA
JFK – TERMINAL "8"
(DOMESTIC)

AB-3

EXHIBIT 11

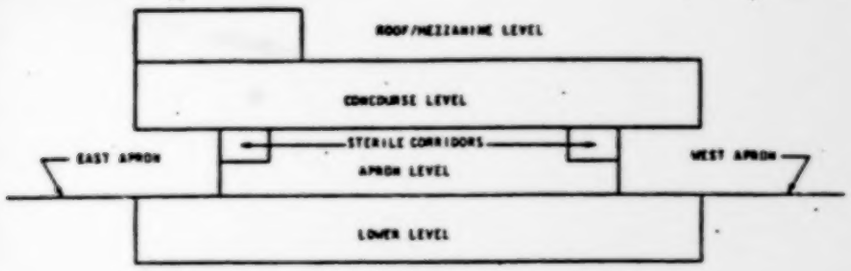


MAIN LEVEL PLAN

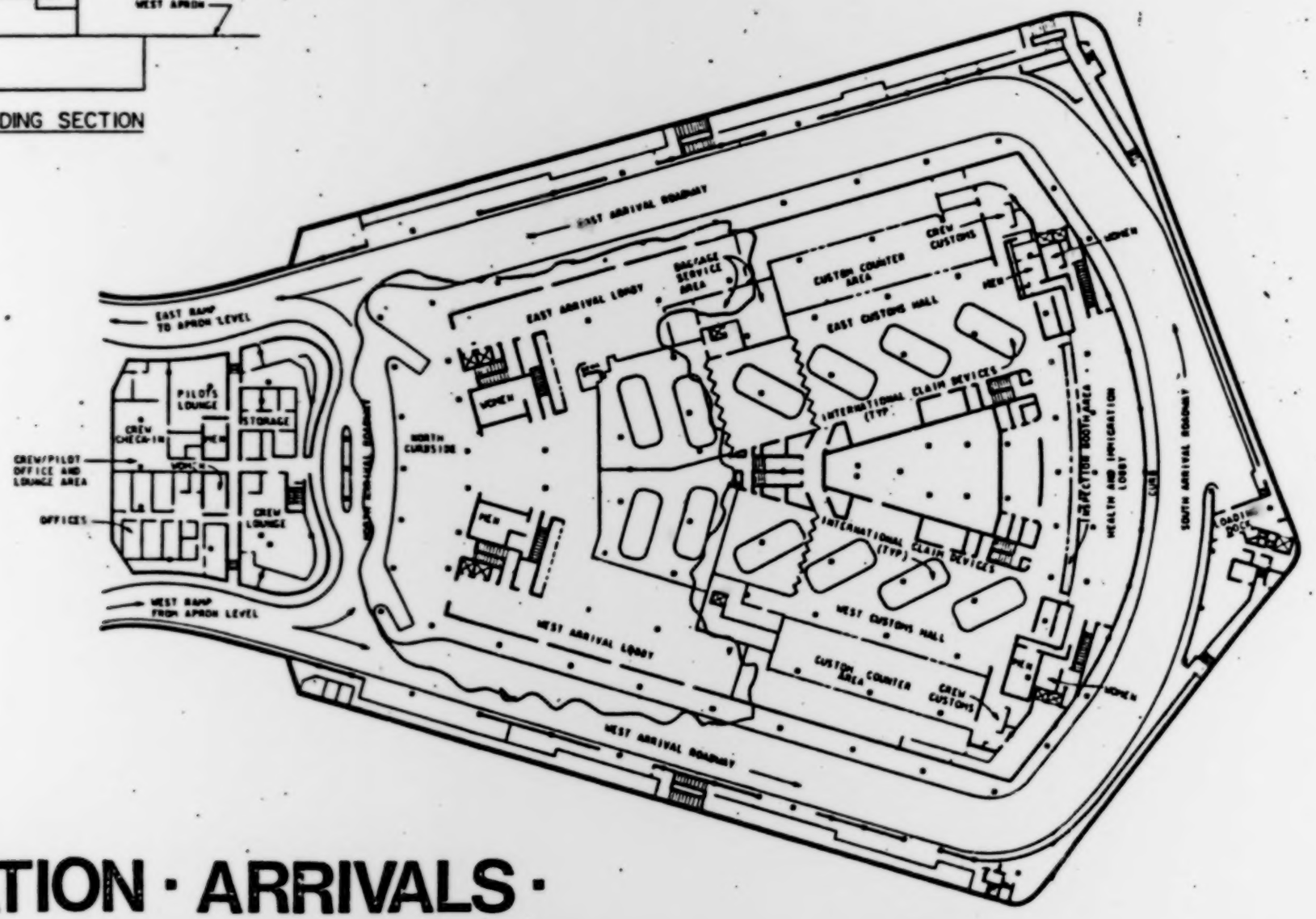
QUANTITY REQUIRED	PART NO	DESCRIPTION	STOCK SIZE	SPEC #	NWA STK NO
DR	FINISH	NORTHWEST AIRLINES, INC.			
CK	HEAT TR	SPACE ALLOCATION			
CK	SCALE	MAIN LEVEL			
AP		NWA TERMINAL JFK AIRPORT			

EXISTING

EXHIBIT 12



PASSENGER TERMINAL BUILDING SECTION



TRANSPORTATION · ARRIVALS · IMMIGRATION & BAGGAGE PICK UP · LEVEL

20'10'0 20' 40' 60' 80' 100'

8-10

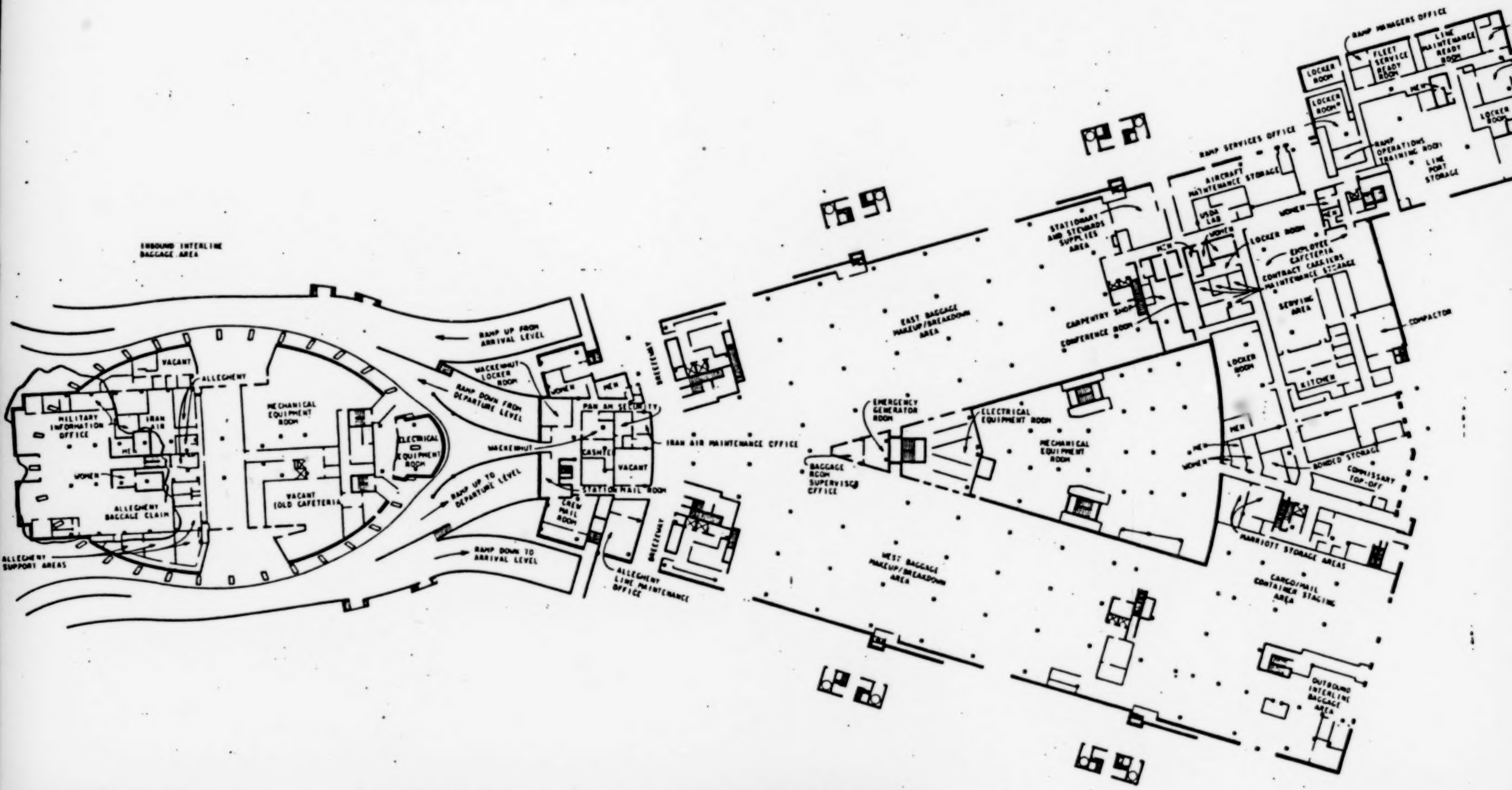
PAN AMERICAN WORLD AIRWAYS, INC.

J.F.K. TERMINAL STUDY

LEIBOWITZ/BODOUVA AND ASSOCIATES
ARCHITECTS AND PLANNERS
70 WEST 40TH STREET
NEW YORK N.Y. 10018

2

EXHIBIT 13



BAGGAGE / GROUND MAINTENANCE

8-10-79

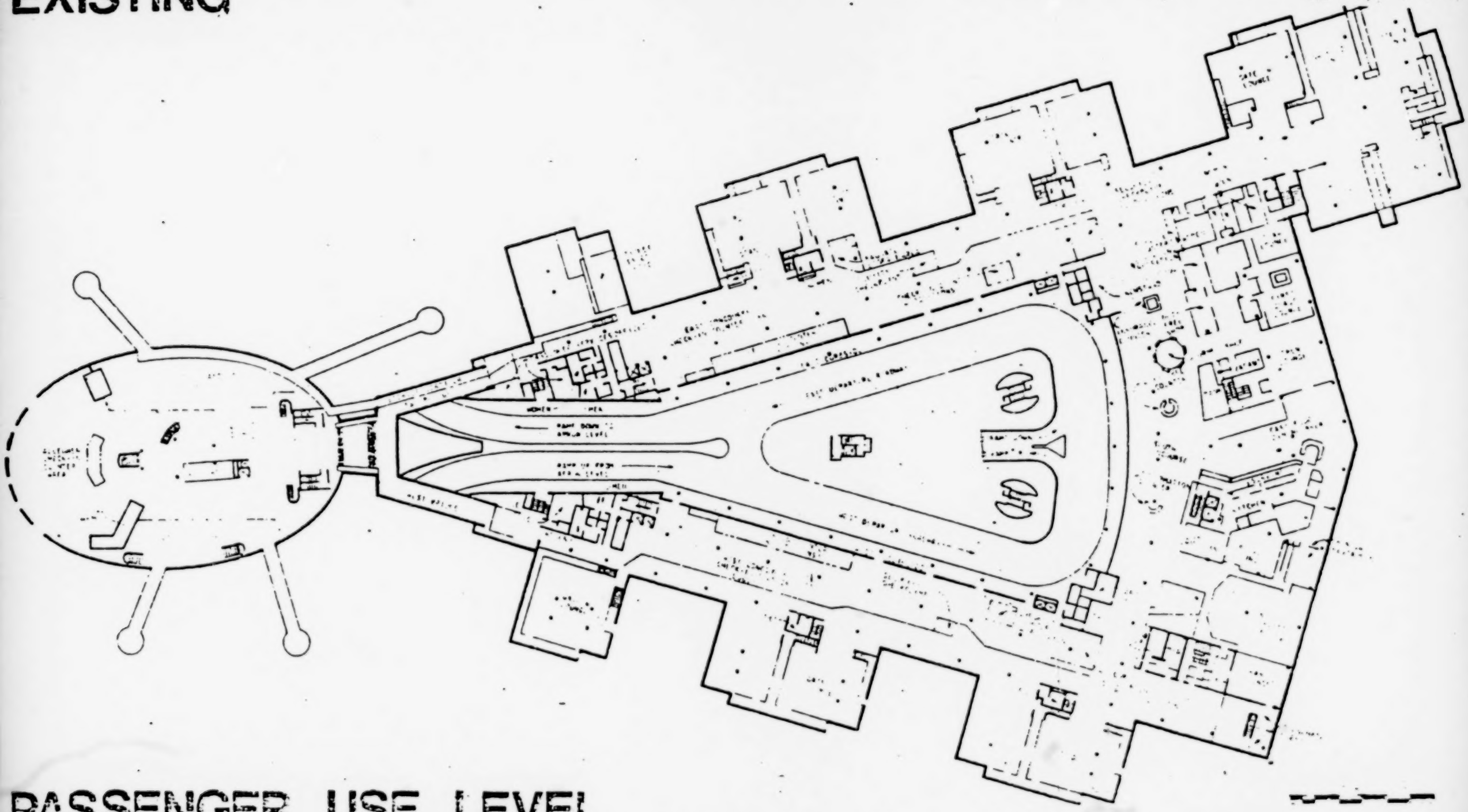
PAN AMERICAN WORLD AIRWAYS, INC.

J.F.K. TERMINAL STUDY

LEIBOWITZ/BODOUVA AND ASSOCIATES
ARCHITECTS AND PLANNERS
770 WEST 40TH STREET
NEW YORK N.Y. 10018

3

EXISTING



PASSENGER USE LEVEL

PAN AMERICAN WORLD AIRWAYS, INC.

J.F.K. TERMINAL STUDY

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EXHIBIT 17

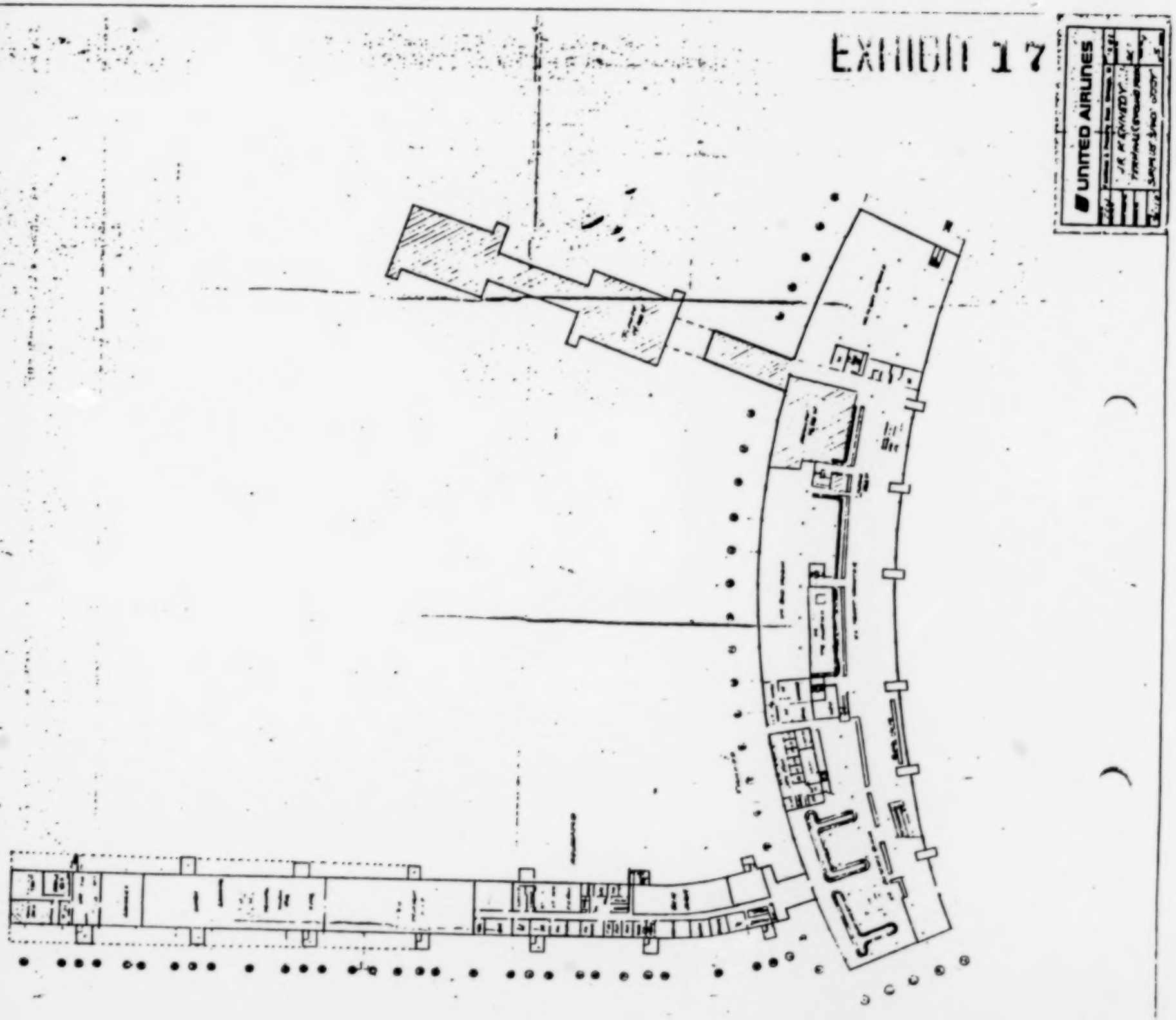
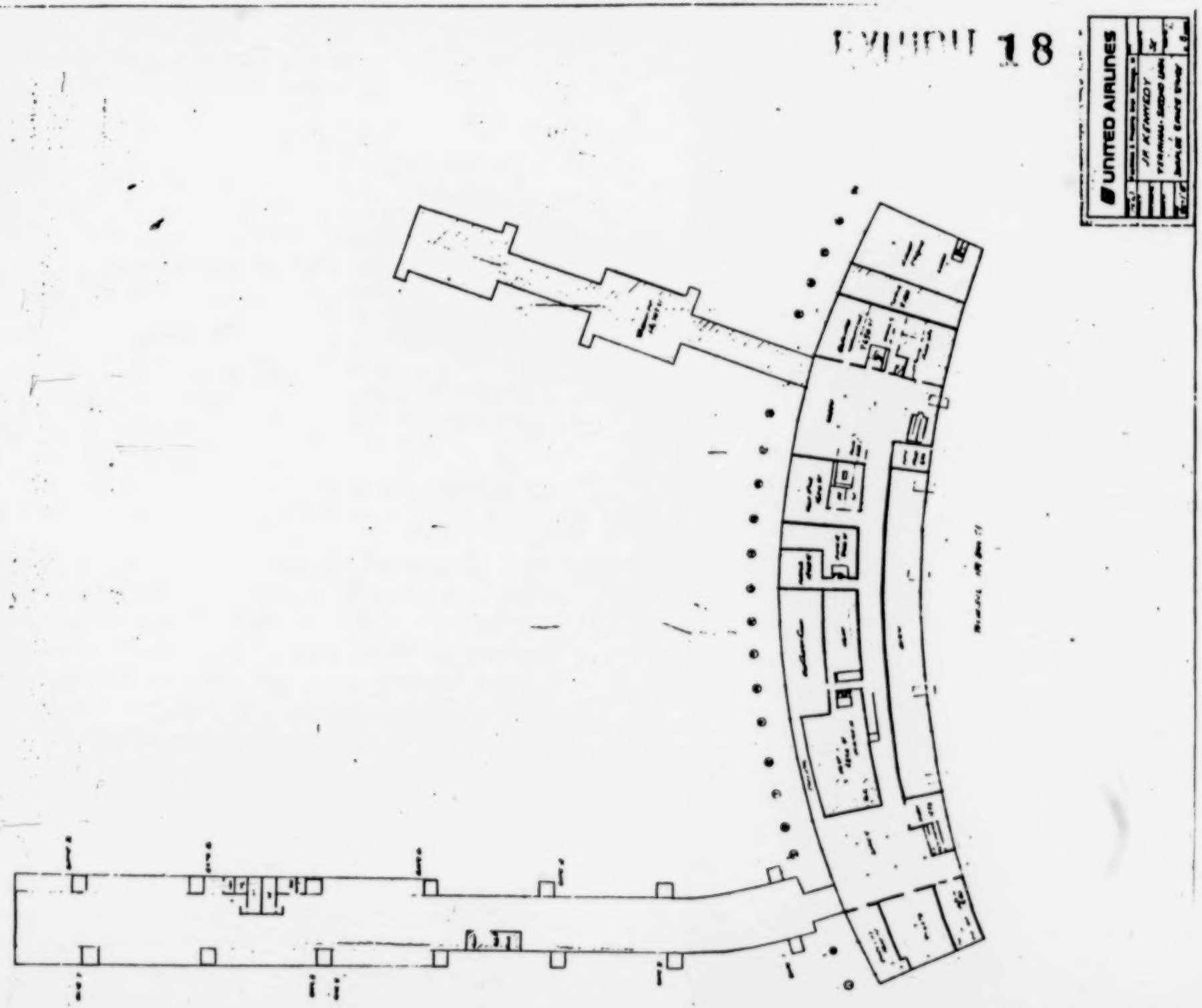


EXHIBIT 18



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., Plaintiffs, -against- WALTER LEE, etc., et al., Defendants.	75 Civ. 5388 (MJL) NOTICE OF MOTION FOR SUMMARY JUDGMENT, OR, IN THE ALTERNATIVE, FOR PRELIMINARY INJUNCTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on December 21, 1987, at 9:30 a.m., or as soon thereafter as counsel may be heard in the courtroom of the Honorable Michael H. Dolinger, Magistrate, located at the United States Courthouse, Foley Square, New York, New York, plaintiffs International Society for Krishna Consciousness, Inc., a New York not-for-profit religious corporation, and Brian Rumbaugh, will move for an order that summary judgment be entered in their favor and against the defendants, (1) declaring that any and all rules, regulations, policies, and practices of the defendants, and each of them, that prohibit plaintiffs from distributing religious literature and soliciting religious contributions in certain public areas of the John F. Kennedy, LaGuardia, and Newark International Airports, are invalid under the first and fourteenth

amendments to the United States Constitution, and (2) permanently enjoining the defendants, and their agents, servants, and employees, and each of them, from enforcing any and all of such rules, regulations, policies and practices; or, in the alternative, for an order preliminarily enjoining the enforcement of any and all of such rules, regulations, policies, and practices during the pendency of this action. The motion will be based on the accompanying affidavit of Alan Attias, sworn to on November 9, 1987, Statement of Facts in Support of Motion for Summary Judgment, Brief in Support of Motion for Summary Judgment, or, in the Alternative, for Preliminary Injunction, and all prior proceedings, papers, and records herein.

Dated: Los Angeles, California
November 11, 1987

Respectfully submitted,

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Attorney for plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al., plaintiffs, -against- WALTER LEE, etc., et al., defendants.	75 Civ. 5388 (MJL) STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

In compliance with S.D.N.Y. Local Rule 3(g), plaintiffs submit the following statement of material facts as to which they contend that there is no genuine issue to be tried:

I. GENERAL FACTS

1. Plaintiff International Society for Krishna Consciousness, Inc. (hereinafter ISKCON, Inc.) is duly organized as a nonprofit religious corporation under the laws of the State of New York. Members of ISKCON Inc. espouse the religious and missionary views of Krishna consciousness, which teaches belief in the absolute supremacy of a single God or Deity (in Sanskrit, Krishna).

2. Plaintiff Brian Rumbaugh is a member and a Trustee of ISKCON, Inc. He has been a devotee of the Krishna consciousness religion for 17 years and was ordained as a "brahmin" or priest in 1971. The spiritual,

sanskrit name by which he is commonly known within the religion is Romapada Swami.

3. Krishna consciousness is a fundamentalist strain of Hinduism, and imposes upon its members a religious duty to perform a ritual known as *sankirtan*, which consists of going into public places, disseminating religious literature and soliciting funds to support the religion. *Sankirtan* is directed to spreading religious truth as it is known to Krishna consciousness, to attracting new members, and to supporting ISKCON Inc.'s religious activities. Donations, including those received for religious literature, not only defray printing and other distribution costs, but are the very lifeblood and principal means of support of this religious movement.

4. Defendant Superintendent is superintendent of the police employed by the Port Authority of New York and New Jersey (hereinafter Port or Port Authority).

5. Created in 1921, the Port Authority is a bi-state agency established by interstate compact between the States of New York and New Jersey. N.Y. Unconsol. Laws §§ 6401-6423 (McKinney 1979 & Supp. 1984-1985); N.J. Stat. Ann. §§ 32:1-1 to -24 (West 1963 & Supp. 1985). On behalf of the States of New York and New Jersey, the Port Authority is statutorily charged with power to "purchase, construct, lease and/or operate any terminal or transportation facility" within its jurisdiction, *id.* at § 6407; N.J. Stat. Ann. § 32:1-7, including John F. Kennedy (JFK), LaGuardia and Newark International (Newark) airports. The Port Authority operates the three airports for the benefit of the people of New York and New Jersey. *Id.* at § 6631; N.J. Stat. Ann. § 35.1.

6. Pursuant to the Port's statutory power, it has leased space at LaGuardia, JFK and Newark airports to numerous foreign and domestic airlines.

7. Defendants Air Canada, Air India, British Airways, Iberia Airlines of Spain, Icelandair, Irish International Airlines, Japan Air Lines, Scandinavian Airlines Systems, Sabena Belgium World Airlines, Varig Brazilian Airlines, Alitalia-Linee Aeree Italiane S.p.A., KLM Royal Dutch Airlines, Inc. and Luftansa German Airlines are foreign flag carriers which lease space from the Port Authority at JFK, which they use for private offices, ticket counters, passenger and baggage check-in areas, baggage claim areas, and passenger lounge/waiting areas. Affidavit of Maharaja Zutshi at ¶ 4; Affidavit of Jan Wildbergh at ¶ 3; Affidavit of Cesar Alcazar at ¶ 4; Affidavit of Thor A. Jorgensen at ¶ 4; Affidavit of P.G. Moore at ¶ 4; Affidavit of Yukio Ohtani at ¶ 4; Affidavit of Leif Anderson at ¶ 4; Affidavit of George Soliman at ¶ 4; Affidavit of R.V. Nelson Smith at ¶ 4; Affidavit of Ernesto Ricci at ¶ 3; Affidavit of Roel W. Haytink at ¶ 3;

8. Defendants American Airlines, Inc., Braniff, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Ozark Airlines, Pan American World Airways, Piedmont Airlines, Republic Airlines, Inc., Transworld Airlines, United Airlines, Inc. and USAir, Inc. are domestic flag carriers which lease space from the Port Authority at JFK, LaGuardia and Newark airports, which they use for private offices, ticket counters, passenger and baggage check-in areas, baggage claim areas, and passenger lounge/waiting areas. Affidavit of S.H. Dutton at ¶ 2; Affidavit of Richard H. Wesson at ¶ 2; Affidavit of R.J. Thorne at ¶ 2; Affidavit of Gregory H. Buhler at ¶ 2;

Affidavit of W.A. Blackmon at ¶ 2; Affidavit of Richard B. Pagen at ¶ 2; Affidavit of Charles W. Seaman at ¶ 2; Affidavit of Jerry L. Depoy at ¶ 2.

II. PUBLIC FORUM FACTS

A. General Facts.

9. The aviation industry in the New York/New Jersey area accounts for nearly 300,000 jobs, $6.2 billion in wages and salaries, $19 billion in overall economic activity, $600 million in regional taxes, and 3.5 percent of the gross regional product. Affidavit of Alan J. Attias In Support Of Motion For Summary Judgment, Ex. 7 at 1.

10. In 1986, JFK, LaGuardia and Newark served 78,846,000 passengers, representing 7.8 percent of the entire U.S. domestic market, and 54.4 percent of the Trans-Atlantic market. *Id.* Ex. 5 at 2. The three airports comprise the busiest and most heavily used metropolitan airport complex in the world. *Id.* Ex. 7 at 1. By the late 1990s, the number of passengers using the airports is expected to increase to more than 110 million. *Id.*

11. Also in 1986, the three airports employed 64,100 persons, with an estimated annual payroll of $2.1 billion. *Id.* Ex. 5 at 2.

12. JFK, LaGuardia and Newark airports are linked to the New York/Newark metropolitan area by a number of major thoroughfares, including the New Jersey Turnpike, the Staten Island Expressway, the Belt Parkway, the Van Wyck Expressway, Grand Central Parkway, the Cross Bronx Expressway, the Whitestone Expressway, and the Major Deegan Expressway. *Id.* Ex. 8 at 19.

B. Facts Pertinent to JFK.

13. The Port Authority has operated JFK under a lease with the City of New York since June 1, 1947. *Id*. Ex. 1 at 1.

14. Comprised of approximately 4,930 acres, (equivalent to all of Manhattan Island from 42nd Street to the Battery) and over 32 miles of roads, JFK is situated in the southeastern section of Queens County in Jamaica Bay, and is approximately 15 miles by highway from mid-Manhattan. *Id*.

15. In 1986, JFK served a total of 27,224,000 domestic and overseas travellers, and transported 1,096,000 tons of air cargo. *Id*. Ex. 5 at 3.

16. The JFK complex includes: (1) two pairs of parallel runways totalling nine miles in length; (2) the Air Cargo Center comprised of 23 cargo handling and cargo service buildings, two hangar/cargo buildings, an Animalport operated by the ASPCA, and a United States post Office Airport Mail Facility; (3) the Aircraft Service Area, comprised of 13 aircraft hangars, the Pan American engine overhaul buildings, a 32 million gallon aircraft fuel storage facility, and a fuel truck garage; (4) the Administrative area, which includes the Port Authority office and maintenance building, the Port Authority Police and Operation buildings, the Satellite Police Garage, a central telephone office, a medical building, and a water pumping station; and (5) variegated facilities such as the 520-room International Hotel, three rental car service buildings, the Carey Transportation bus garage, a federal office building, the Citibank building, seven food

production centers, and the Flying Tiger office building. *Id*. Ex. 1 at 1-2.

17. The JFK complex also includes the Central Terminal Area (CTA), consisting of eight free standing airline passenger terminals and the International Arrivals/Wing Building complex (IAB) in the center of airport. The terminals are surrounded by a dual ring of peripheral taxiways, and contain about 150 aircraft gate positions. The CTA also includes a 10-story airport control tower, a central heating and air conditioning plant, a tri-faith chapel plaza, parking for over 6,000 autos, and an auto service station. *Id*. Ex. 1 at 3.

18. The IAB is actually a complex of three connected buildings: the Arrivals building, the East wing building, and the West wing building. The first floor of the IAB complex consists of a central arrivals lobby area where people congregate to greet incoming passengers after they have cleared customs, which is also located on the first floor. The main floor lobby area is controlled and operated exclusively by the Port Authority, as is a mezzanine/lobby area located on the second floor. The second floor lobby area is bordered by two restaurants, two snack bars, a bar, a postal substation and postal facility, a bank, telegraph office, duty free boutique, drug store, nursery, barber shop, and two currency exchange facilities. The mezzanine/lobby area also includes a dental office and an area for the display of art exhibits. Attias Aff. at ¶ 15.

19. Space in the Wing buildings is leased by the Port Authority to the foreign flag carriers and numerous commercial establishments. The first floor East and West

wings are leased to and occupied by the foreign flag airlines, which they may use for reservations, ticket sales, accommodations for their passengers, baggage handling, and conducting operations, communications, reservations, and administration functions. Affidavit of Philip Le B. Douglas, executed June 14, 1985, at ¶ 3.

20. The foreign flag carriers also lease space on the second floor of the East and West wing buildings, which they may use for the same purposes, except for baggage handling. *Id.*

21. Additionally, the Port Authority leases space to numerous commercial establishments and patron facilities on the second floor, which border the long, expansive L-shaped corridors. In the East wing second floor, the corridors are bordered by six duty free shops, three bars, a snack bar, telegraph office, bank, currency exchange, bookstore, newsstand, India store, postal facility, cookie/candy shop, two travel insurance areas, and a retail Bloomingdale's. Attias Aff. at ¶ 16.

22. The East wing corridor also includes substantial seating facilities, as well as 11 free standing commercial advertising displays, and two freestanding public service advertising displays. *Id.*

23. The configuration of the West wing corridor is a mirror of the East wing, and is bordered by four duty free shops, a newsstand, bookstore, currency exchange, snack bar, cookie/candy shop, a cash/traveller's check machine, two bars and two travel insurance facilities. The corridor also provides for ample seating areas, as well as 11 free standing commercial advertising displays, and

one free standing public service advertising display. *Id.* at § 17.

24. The eight unit terminals are leased from the Port Authority by seven domestic air carriers – Pan American, Northwest (including Delta), Eastern, United, American, British Airways and TWA (domestic and international).

25. The Pan American unit terminal consists of three levels: (1) the immigration and baggage pick up level, (2) the passenger use level, and (3) the baggage ground maintenance level. The terminal structure consists of a large oval building which leads into a triangular shaped building protruding outward from the oval. *See* Buhler Aff. Ex. 1.

26. The oval shaped building has two levels. The first level contains a general ticketing and baggage check-in area, as well as a newsstand, gift shop and postal facility. The second level consists of a snack bar and cocktail lounge. Attias Aff. at ¶ 18.

27. Two long corridors contain six aircraft gate positions and lead to a rear corridor, which contains a passenger seating area. Numerous commercial establishments and patron facilities are located in the rear corridor, including two duty free shops, two currency exchanges, a travel insurance facility, drug store, cocktail lounge, cafeteria, toy shop, bookshop, gourmet food shop, newsstand, restaurant, beauty shop, bank, and retail Bloomingdale's. The corridor walls are lined with commercial advertising billboards, and six rotating commercial advertising displays and one rotating public service advertising display are located in the floor areas. *Id.* at ¶ 19.

28. The Immigration and Baggage Pickup level includes car rental and hotel reservation counters, an American Express machine and commercial advertising displays. *Id.* at ¶ 20.

29. The Northwest/Delta unit terminal is a rectangular shaped building with an Inbound level, Outbound level, and mezzanine level. Thorne Aff. Ex. 1. The front portion of the outbound level is comprised of ticketing and baggage check-in areas. Three main corridors lead to a rear corridor/hallway, and are bordered by a large duty free shop in the central concourse area, a restaurant, cocktail lounge, currency exchange, travel insurance facility, traveler's check machine, and postal facility. Passenger seating facilities and six commercial advertising stands are located in various places in the outbound level. *Id.* at ¶ 21.

30. The inbound level consists of the baggage retrieval area, and a lobby area bordered by car rental and hotel reservations counters. *Id.* at ¶ 22.

31. The Eastern unit terminal is a compact rectangular building with two concourses extending behind the building from both sides. The central terminal area consists of a ticketing and baggage check-in area, a spacious seating area, and a series of commercial shops situated in kiosks in the middle of the terminal. *Id.* at ¶ 23.

32. A central hallway leads to a rear corridor which runs parallel to the front of the building. The rear corridor leads into the two concourses at both ends, and is bordered by two giftshops, a drugstore, coffee shop, postal facility, newsstand, cutlery shop, restaurant/

lounge, cookie shop, barber shop, shoeshine stand, and two duty free shops. *Id.* at ¶ 24.

33. The Eastern unit terminal also contains an arrivals level where passengers retrieve their luggage. Located on this level are standard rental car and hotel reservation counters. Interspersed through the arrivals level, as well as the central main floor lobby area, are numerous free standing advertising displays. *Id.* at ¶ 25.

34. The United unit terminal is a two-level curved rectangular structure with two concourses extending from the rear of the building. Seaman Aff. Ex. 1. The ticket and baggage check-in area is located in the central portion of the departure level. On each side of the ticketing counters are spacious lobby areas, and to the rear is a long corridor which connects the two lobbies. Located within the lobby/corridor area are two currency exchanges, two gift shops, two newsstands, three cocktail lounges, a duty free shop, restaurant, coffee shop, bank, postal facility, shoeshine stand, travel insurance facility, and traveller's check/cash machine. Also interspersed around the lobby area are seating facilities and five rotating advertising displays, as well as a motor vehicle exhibit. Attias Aff. at ¶ 26.

35. Located on the ground level of the United terminal is the baggage retrieval area, and car rental and hotel reservation counters. Numerous advertisements line the walls as well. *Id.* at ¶ 27.

36. The American Airlines unit terminal is a two level structure with two concourses extending from the rear of the building. The main departure level contains a ticketing/baggage check-in area, seating areas and

numerous commercial establishments and patron facilities, including a bank, two restaurants, two snack counters, two gift shops, two traveler's check/cash machines, a currency exchange, duty free shop, cocktail lounge, newsstand and shoeshine stand. A duty free shop is also located on a small mezzanine above the main floor. *Id.* at ¶ 28.

37. The ground floor arrivals level contains seven baggage retrieval areas, with advertising displays interspersed throughout the area. Car rental and hotel reservation counters are also located on this level. *Id.* at ¶ 29.

38. Each of the main floor gate areas are also served by two cocktail lounges and two snack bars. *Id.* at ¶ 30.

39. The front portion of the British Airways unit terminal outbound level provides for ticketing and baggage check-in. A back corridor of the outbound level borders the gate positions, and consists of a large seating area which extends the length of the corridor. The corridor is bordered by two cocktail lounges, a barber shop, nursery, gift shop, duty free shop, newsstand, cookie/candy store, cafeteria, postal facility, travel insurance area, and a currency exchange. A small mezzanine level also has a lounge area. *Id.* at ¶ 31.

40. The British Airways inbound level contains the baggage retrieval area and car rental and hotel reservation counters. *Id.* at ¶ 32.

41. TWA maintains two unit terminals. Terminal B serves primarily domestic flights, Pagen Aff. at ¶ 2, and is a multi-leveled configuration. *Id.* Ex. 1. The main level contains a central ticketing and baggage check-in area.

Located behind the ticketing area is a mezzanine level which includes two duty free boutiques, a cocktail lounge, currency exchange, travel insurance facility, and four rotating advertising displays. Attias Aff. at ¶ 33.

42. From the mezzanine level, two corridors lead to a large departure hall, which contains a restaurant, cafeteria, snack bar, duty free shop, gift shop, newsstand, two nurseries, and a seating area. Extending outward from the departure hall are two concourses, each of which contains one cocktail lounge. *Id.* at ¶ 34.

43. The arrivals level of Terminal 8 includes a baggage retrieval area, as well as car rental and hotel reservation counters, a cash machine and a traveller's check machine. *Id.* at ¶ 35.

44. TWA Unit Terminal A serves primarily international flights, Pagen Aff. at ¶ 2, and is also a multi-leveled configuration. *Id.* Ex. 2. The front portion of the departure level is occupied by the ticketing and baggage check-in area, adjacent to which is a sunken seating/waiting area bordered by two mezzanines. Located on the mezzanines are two currency exchanges, two duty free shops, two postal facilities, a book store, nursery, snack bar, two cocktail lounges, a restaurant, newsstand, shoeshine stand, coffee shop, and bank. Attias Aff. at ¶ 36. A bar and snack bar are located in flight wing no. 1, and a snack bar is located in flight wing no. 2. *Id.* at ¶ 37.

45. The arrivals level of Terminal B includes a baggage retrieval area, rental car and hotel reservation counters, a currency exchange, travel insurance booth, and an American Express vending machine. *Id.* at ¶ 39.

C. Facts Pertinent to LaGuardia.

46. The Port Authority has operated LaGuardia Airport under a lease with the City of New York since 1947. Attias Aff. Ex. 2 at 1.

47. The airport consists of 650 acres, and is located in the Borough of Queens, bordering on Flushing and Bowery Bays, about eight miles from mid-Manhattan. *Id.*

48. In 1986, LaGuardia served 22,189,000 domestic and overseas passengers. *Id.* Ex. 5 at 3.

49. The airport complex includes two 7,000 foot runways, a fuel storage facility with a total capacity of 5,130,000 gallons, nine aircraft hangers, a police building, a mail facility, an air cargo facility, garaging, maintenance, and food preparation buildings, and marine and aircraft simulation equipment. *Id.* Ex. 2 at 3.

50. The Central Terminal Building (CTB) is currently 1,300 feet long and 125 feet wide, and contains 650,000 square feet of floor space. It is the equivalent of six city blocks, and consists of a four-story central section, two three-story wings, and four two-story arc fingers leading to 36 aircraft gate positions. *Id.* at 1-2.

51. The second floor of the CTB is the main departure level which consists of a spacious central lobby area, and East and West wings. A smaller lobby area is located at the end of the West wing. Attias Aff. at ¶ 40.

52. Five ticketing and baggage check-in areas are located on the second floor – two between Fingers 1 and 2, and three between Fingers 3 and 4. A rear corridor runs

the entire length of the East and West wings, and intersects with the central lobby area. Located along the corridor and lobby areas between Fingers 1 and 2 are a bookstore, cocktail lounge, postal facility, shoeshine stand, and a traveler's check/cash machine. Three gift shops, a book store, newsstand, drug store, barber shop, restaurant, bank, coffee shop, postal facility, and a traveler's check/cash machine are located between Fingers 2 and 3. And a cocktail lounge, shoeshine stand, gift shop, and restaurant are located between Fingers 3 and 4. Commercial and public service billboard advertisements line the walls between the fingers and a traveller's check/cash machine, postal facility, motor vehicle display, two rotating commercial advertising displays, and a manned AIDS information table are located in the central lobby area. *Id.* at ¶ 41.

53. Located at the end of each of the four fingers are a newsstand, postal facility, currency exchange, restaurant, fruit and nut stand, duty free shop, and travel insurance facility. *Id.* at ¶ 42.

54. The first floor arrivals level of the CTB consists of seven baggage retrieval areas linked by a corridor extending the length of the East and West wings. A small lobby is located in the central area. *Id.* at ¶ 43.

55. Several car rental and hotel reservation counters, a bank, post office substation, nursery, and numerous commercial advertisements are also located on the arrivals level. *Id.*

56. The third floor of the CTB includes a long corridor extending the length of the building. Two corridor/lobby areas link the East and West wings to the main

parking structure located directly in front of the CTB. Private airline clubs, a restaurant and chapel are located on this level. *Id.* at ¶ 44.

57. In addition to the CTB, Eastern and Delta airlines maintain unit terminals at LaGuardia, which are located east of the CTB. The Eastern Commuter Terminal is a one level structure with a ticketing area, cafeteria, cocktail lounge, gift shop and newsstand. *Id.* at ¶ 45.

58. The Eastern Shuttle Terminal consists of a departure and arrivals level. In addition to the ticketing and baggage check-in area, the departure level includes a gift shop, snack bar, cafeteria, cocktail lounge, travel insurance facility, traveler's check/cash machine, and shoeshine stand. The arrivals level includes a baggage retrieval area, newsstand, cash machine, snack bar, and car rental and hotel reservation counters. *Id.* at ¶ 46.

59. The Delta/Northwest unit terminal is a two-level L-shaped structure. The ticketing and baggage check-in areas are located in the front portion of the main departure level. A corridor leads to a central lobby and rear corridor, where numerous commercial establishments and patron facilities are located, including two restaurants, two gift shops, a sports shop, bookstore, cocktail lounge, cafeteria, ice cream shop, snack bar, cash machine, flower vending machine, currency exchange, and shoeshine stand. The walls of the shopping areas are lined with commercial advertisements, and four rotating advertising displays are located in the ticketing area. Seating areas, a motor vehicle exhibit, encyclopedia kiosk, and post box are also located in the central lobby/corridor area. Attias Aff. at ¶ 47.

60. The arrivals level consists of a baggage retrieval area, and car rental and hotel reservation counters. *Id.* at ¶ 45.

D. Facts Pertinent to Newark.

61. The Port Authority has operated Newark International Airport under a lease with the City of Newark since March 22, 1948. Attias Aff. Ex. 3 at 1.

62. Located in Essex and Union counties between the New Jersey Turnpike and U.S. Routes 1 and 9, the airport consists of 2,300 acres, and is approximately 16 miles from mid-Manhattan. *Id.*

63. The airport complex includes: (1) three runways extending a total of 4.7 miles which are connected by more than 12 miles of taxiways; (2) a Marriott Hotel located in the center of the terminal area; (3) ancillary facilities such as a large aviation fuel storage area with tank capacity of approximately 10,000,000 gallons, an underground fuel distribution system and a central heating and refrigeration plant; (4) a 1,010,500 square foot U.S. Postal Facility; (5) the North Terminal; (6) the Central Terminal Area (CTA) consisting of three terminals; and (7) other buildings such as the air cargo center, the Cummins Diesel Industrial Building, utility, equipment and storage buildings, and various hangars. *Id.* at 2-4.

64. In 1986, Newark served 29,433,000 domestic and overseas travellers, *id.* Ex. 5 at 3, making it the busiest of the three metropolitan airports, and the seventh busiest airport in the world. *Id.* Ex. 7 at 3.

65. The terminal facilities are located in two areas. The North Terminal is situated along Brewster Road, while Terminals A, B and C are located adjacent to one another in the Central Terminal Area. *Id.* Ex. 8 at 12.

66. The North Terminal is a one level building consisting of ticketing and baggage check-in areas, baggage retrieval areas, and numerous patron facilities including two restaurants, a cocktail lounge, fruit and nut shop, nursery, newsstand, duty free gift shop, shoeshine stand, bank, cafeteria, travel insurance facility, postal facility, ice cream shop, currency exchange, and car rental counters. Attias Aff. at ¶ 6.

67. Terminals A and B measure 800 by 165 feet, and branch out to three satellite aircraft gate buildings. Each terminal has an upper departure level with facilities for airline ticketing and baggage check-in; a lower arrival level for airline baggage claim and ground transportation; and a ground level parking level extending under the arrival and departure roadways and the main buildings themselves. Attias Aff. Ex. 3 at 1-2.

68. The concourse level, for circulation and passenger service, is located halfway between the upper and lower levels of each terminal building, and contains eating facilities, retail stores and other patron services. *Id.* at 2. The concourse level at Terminal A includes spacious corridors bordered by two cocktail lounges, three postal facilities, a barber shop, shoeshine stand, duty free shop, bank, newsstand, ice cream shop, restaurant, nursery, two travel insurance facilities, two telegraph facilities, two gift shops, and a traveller's check/cash machine. Attias Aff. at ¶ 8. Additionally, the three satellites at Terminal A

each contain a coffee shop, newsstand, cocktail lounge, and travel insurance facility. *Id.* at ¶ 9. Six rotating advertising displays are located on the concourse level, and four rotating advertising displays are located in the departure level, along with two motor vehicle displays. *Id.* at ¶ 10.

69. The concourse level at Terminal B includes spacious corridors bordered by two cocktail lounges, three travel insurance facilities, three telegraph facilities, two nurseries, three postal facilities, a gift shop, shoeshine stand, drug store, newsstand, ice cream shop, coffee shop, book store, restaurant, bank, and a traveller's check/cash machine. *Id.* at ¶ 11. The concourse area also contains six rotating advertising displays. *Id.* at ¶ 12. The three satellite buildings each contain a coffee shop, cocktail lounge and newsstand. *Id.* at ¶ 13.

70. Terminal C is not yet fully operational, but presently includes a new international arrivals facility. With two aircraft gate positions and related terminal space, it also houses the airport's federal inspections services. Attias Aff. Ex. 3 at 2. The departure level of the terminal includes a cafeteria, cocktail lounge, snack bar, duty free shop, currency exchange, and newsstand. *Id.* Ex. 8 at 14-15.

E. First Amendment Activities Presently Permitted And prohibited In The Terminals.

71. Of the terminal facilities presently existing at the three airports, plaintiffs are permitted to distribute their religious literature and solicit contributions to support their religion in the following areas: (1) the second

floor central lobby area at LaGuardia; (2) the main lobby area of the North Terminal at Newark; (3) the mezzanine level of Terminal B at Newark; and (4) the second floor central lobby/mezzanine area at the IAB. Declaration Of Brian Rumbaugh In Opposition To Defendants' Motion To Dismiss at ¶ 3.

72. Additionally, by agreement with Eastern Airlines, plaintiffs have limited access to the Eastern unit terminal at JFK, the Eastern shuttle terminal at LaGuardia, and the Eastern departure area at the CTB at LaGuardia. *Id.* at ¶ 4.

73. Plaintiffs do not seek to perform *sankirtan* activities in any private offices, ticket counters and lines, check-in areas, baggage claim areas or lines, or exclusively leased waiting areas. Rather, plaintiffs seek to distribute religious literature, solicit donations and proselytize only in general circulation areas, including corridors, lobbies, and areas which are bordered by shops, restaurants, lounges and other commercial establishments and patron facilities. *Id.* at ¶ 6.

74. The Port Authority presently prohibits plaintiffs from conducting *sankirtan* activities at the arrivals level lobby of the IAB, the second floor East and West wing corridors at LaGuardia, the West wing second floor lobby area at LaGuardia, in any of the first floor corridor circulation areas at LaGuardia, and in any of the Fingers at LaGuardia. *Id.* at ¶ 5.

75. The foreign flag carriers have adopted a policy against permitting the premises and facilities which they lease from the Port to be used by others, including plaintiffs, for purposes of solicitation, peddling, panhandling,

lecturing, selling, proselytizing, leafletting, or other similar activities which the airlines deem inconsistent with or which might interfere with the conduct of their business as commercial air carriers. On this basis, the foreign flag carriers purportedly prohibit plaintiffs from performing *sankirtan* activities in the general circulation lobby and corridor areas of the second floor at the IAB. Nelson-Smith Aff. at ¶ 5; Soliman Aff. at ¶ 5; Anderson Aff. at ¶ 5; Othani Aff. at ¶ 5; Moore Aff. at ¶ 5; Jorgensen Aff. at ¶ 5; Zutshi Aff. at ¶ 5; Alcazar Aff. at ¶ 5; Haytink Aff. at ¶¶ 9,10; Ricci Aff. at ¶¶ 9,10.

76. The domestic air carriers have adopted a policy prohibiting plaintiffs and other groups and individuals from distributing religious literature, soliciting donations and performing other such activities in the premises which they lease from the Port which may be disruptive to their business. On this basis, the domestic air carriers purportedly prohibit plaintiffs from performing *sankirtan* in the following areas: (1) the general circulation lobby and corridor areas of the unit terminals at JFK and LaGuardia airports, other than the Eastern terminals; (2) the departure lobby circulation areas of the second floor at LaGuardia; (3) the arrivals level general circulation and lobby and corridor areas of Terminals A and B at Newark; and (4) the departure level mezzanine lobby and general circulation areas at Terminals A and B at Newark. Buhler Aff. at ¶¶ 11,13; Pagen Aff. ¶¶ 20,22; Thorne Aff. ¶¶ 18,20; Depoy Aff. at ¶¶ 17,19; Blackmon Aff. at ¶¶ 14,16; Wesson Aff. at ¶¶ 17,19; Wildbergh Aff. ¶¶ 10,12; Dutton Aff. at ¶¶ 20,22; Seaman Aff. ¶¶ 20,22.

F. Facts Pertaining To Public Access To The Airport Terminals.

77. Neither the Port Authority nor the airlines deny access by members of the general public to any of the three airport complexes. Nor do they deny or monitor access by members of the general public to the interior, general circulation areas of the central terminals at LaGuardia, JFK and Newark to only those persons utilizing those facilities for purposes of air travel or for meeting or greeting airline passengers. The Port Authority and airlines do not prohibit members of the general public from utilizing patron facilities located within the terminals for such purposes as shopping at the various stores, eating and drinking at one of the cafeterias, restaurants, snack bars, or cocktail lounges, patronizing the banks, currency exchanges, traveller's check/cash vending facilities, postal services or other such facilities at the airports, or for sightseeing.

78. Pan American Airlines does not restrict or otherwise monitor access by members of the general public to the interior general circulation areas of its unit terminal at JFK. Pan American does not attempt to restrict members of the general public from eating at one of the restaurants or other eating facilities, shopping at one of the stores, or watching planes land and take off. Deposition of George Vergonis, Dec. 13, 1984, at 49-50.

79. United Airlines does not have a policy restricting access by members of the general public to the interior general circlation areas of its unit terminal at JFK to only those persons using unit terminal facilities for air travel or for the purpose of meeting or greeting airlines

passengers. Deposition of Gus H. London, Dec. 12, 1984, at 22-24.

80. Northwest Airlines does not restrict access by members of the general public from eating, shopping, or using other patron facilities at its unit terminal at JFK. Deposition of Harry W. Frankson, Dec. 13, 1984, at 53-54.

81. The Salvation Army was permitted to set up a donation kettle in the main level general circulation lobby area of the Northwest unit terminal at JFK on three occasions, the most recent being in 1984. *Id.* at 32-34. The Salvation Army kettle did not cause any adverse impact on congestion in the terminal. *Id.* at 40

82. American Airlines does not have a policy restricting or otherwise monitoring access by members of the general public to the interior general circulation areas of its unit terminal at JFK. Deposition of Ed Cipperly, Dec. 12, 1984, at 29.

83. TWA does not have a policy restricting access to the interior portions of its unit terminals at JFK to business invitees only. Members of the general public are not restricted from eating at one of the restaurants located in the terminals, or from patronizing other such establishments. Deposition of Steven Brown, April 16, 1985, at 67-68.

G. Facts Pertaining To Planned Expansion Of The Airports.

84. In 1986, the Port Authority developed a multi-billion dollar capital plan to rebuild and modernize JFK, Newark and LaGuardia Airports. Major components of

the plan call for an expansion of the airport roadway systems, reconfiguration of a number of existing passenger terminals, construction of major new terminal facilities such as parking, inter-terminal connections, and baggage handling systems, and the addition of new restaurants, meeting rooms, communication and financial services, and retail shops. Attias Aff. Ex. 5 at 1.

85. The cost to the Port Authority of these improvements is estimated to be $2.4 billion for the period 1987-1991, with additional spending needed to complete the improvements in the 1990s. *Id*. Ex. 6 at 8.

86. At JFK, the Port Authority is planning an extensive redevelopment and reconstruction program over a 10-year period that will cost approximately $3 billion. More than $1 billion of this amount is included in the present five-year capital plan. *Id*. Ex. 7 at 5. The components of this major capital plan, which is designed to integrate the airport into a unified system, include expansion of the IAB; an automated baggage handling system; and, a "people mover" rail system that will connect each of JFK's unit terminals to a new central transportation hub. The new transportation building, moreover, will be connected to the IAB by an enlarged Federal Inspection Services Hall, and will contain parking facilities, retail shops and restaurants, and meeting and conference rooms. A reconfigured roadway system and a new control tower for the Federal Aviation Agency will also be included in the capital plan. *Id*. at 5-8.

87. The aviation capital plan also entails $200 million for new projects at LaGuardia airport. Major components of this plan include expansion and reconstruction

for the current CTB; construction of a new 250,000 square foot, two-level passenger terminal at the airport's east end; a major roadway improvement system; and construction of an underground hydrant fueling system. *Id*. Ex. 4 at 21; Ex. 6 at 9.

88. The Port Authority has allocated a total of $1.35 billion for new projects at Newark. Of this amount, $650 million is provided for under the present five-year capital plan. *Id*. Ex. 6 at 9; Ex. 4 at 21. The main elements of this program include major restructuring of the airport's roadway system, parking lots and terminal frontage; an on-airport "people mover" system linking Terminals A, B and C and the existing long term parking lots, and having the capacity to connect to an off-airport transit system, and; construction of a structural parking facility in the central terminal area. *Id*. Ex. 7 at 3; Ex. 5 at 17.

89. The Port Authority will also continue to be heavily involved in the completion of Terminal C at Newark, and the financing of two concourses which will add 42 new gates and 850,000 additional square feet to the Terminal. *Id*. Ex. 7 at 3.

III. STATE ACTION FACTS.

A. Facts Pertaining To Port Authority Construction, Financing And Ownership Of Airport Facilities, And Control Over Construction Performed By Lessees.

90. The real estate comprising the three airports, as well as the structures, fixtures, and improvements situated thereon, is owned by the Cities of New York and

New Jersey, and held by the Port Authority pursuant to long term ground leases.

91. About $60,000,000 was expended by the City of New York on original construction of JFK. Through June 30, 1984, the Port had invested approximately $781,554,000 at the airport, Attias Aff. Ex. 1 at 1, and plans to invest approximately another $3 billion over the next 10 years pursuant to its capital improvement plan. *Id.* Ex. 7 at 5.

92. The City of New York expended approximately $40 million on construction of LaGuardia Airport. As of June 30, 1984, the Port had invested $301.2 million in development of the airport, including $48 million from federal and state agencies. *Id.* Ex. 2 at 1. The Port plans to invest another $200 million over the next five years pursuant to its capital improvement plan. *Id.* Ex. 4 at 21; Ex. 6 at 9.

93. The City of Newark spent over $8,200,000 on construction and development of its airport; the U.S. government spent over $15,100,000 prior to 1948. By the end of 1984, the Port had invested over $500,000,000 at the airport, *id.* Ex. 3 at 1, and plans to invest an additional $1.35 billion in further capital improvements. *Id.* Ex. 4 at 21; Ex. 6 at 9.

94. The Port Authority is involved in every phase of airport operations, including negotiations with the airlines, planning construction of terminal facilities, operating public areas of the airports, maintaining public areas of the airports, and policing the public areas of the airports. Deposition of Morris Sloane, June 10, 1985, at 7.

95. The Port Authority constructed, paid for, and operates the public aircraft facilities at the three airports, which includes runways, taxiways, and adjacent spaces. The airlines may use these facilities for a fee. *Id.* at 98.

96. The IAB was constructed, paid for, and is operated by the Port Authority. *Id.* at 26, 109.

97. The Port Authority constructed and paid for the East and West wing buildings at JFK. *Id.* at 23, 109; JFK Wing Lease, § 2.

98. The CTB at LaGuardia, and Terminals A, B and C at Newark were financed and constructed by the Port Authority. *Id.* at 65, 110; LGA Lease § 1; Newark Lease § 1.

99. The Port Authority financed the construction costs of American Airline's terminal facilities at LaGuardia and JFK. Answers And Objections Of Defendants Air Canada, Et Al., To Plaintiffs' Interrogatories And Request For Production Of Documents To Defendants, Sept. 24, 1984, ¶ 14.

100. Delta Airlines provided funds for its unit terminal at LaGuardia, but was reimbursed by the Port Authority under an industrial bond financing arrangement. *Id.*

101. Northwest Airlines advanced the funds necessary to construct its unit terminal at JFK, but following completion of the construction was reimbursed by the Port Authority. *Id.*

102. Piedmont Airlines borrowed funds from the Port Authority for construction of its interior facilities at

Terminal A at Newark, which it is repaying through rental payments. *Id.*

103. The Port Authority paid for the British Airways and TWA domestic unit terminals at JFK. Sloane Deposition at 23.

104. The Port Authority constructed the Pan American unit terminal at JFK. *Id.* at 25-26.

105. The Port Authority financed construction of the Eastern Shuttle Terminal at LaGuardia. *Id.* at 72.

106. Prior to commencement of any construction, lessees at all of the airports are required to submit a construction application, including complete plans and specifications for the proposed construction, to the Port Authority for approval. JFK Wing Lease § 2(b); Newark Lease § 4; LGA Lease §§ 6(d), 9(b); TWA JFK Lease § 2; Eastern JFK Lease § 2; United JFK Lease § 2; British Airways JFK Lease § 2; Northwest JFK Lease § 2; Pan Am JFK Lease § 2; American JFK Lease § 2. The lessees must comply with all requirements, stipulations, and provisions that may be required by the Port, and the Port may refuse to grant its approval if the proposed construction violates certain specified conditions. JFK Wing Lease § 2; Newark Lease § 4; LGA Lease § 6(d); TWA JFK Lease § 2; Eastern JFK Lease § 2; Pan Am JFK Lease § 2; American JFK Lease § 2.

107. Prior to retaining or contracting with a architect or contractor to perform work on the proposed terminals, the lessee may also be required to submit the name of the architect or contractor to the Port for approval. JFK Wing Lease § 2; TWA JFK Lease § 2; British Airways JFK

Lease § 2; Pan Am JFK Lease § 2; American JFK Lease § 2. Additionally, the lessee may be required to submit to the Port all engineering studies, renderings, layouts, calculations and other data which the Port may request both prior to and during the construction. JFK Wing Lease § 2.

108. The Port Authority maintains the right to inspect the construction either at any and all times during the progress thereof, JFK Wing Lease § 2(d); Newark Lease § 4, LGA Lease § 6(d); TWA JFK Lease § 2; Pan Am JFK Lease § 2(d)(2),(6); Northwest JFK Lease § 2; American JFK Lease § 2(b)(2),(6); British Airways JFK Lease § 2, or upon substantial completion of the construction. United JFK Lease § 2; Eastern JFK Lease § 2. The Port may also require the lessee to re-do or replace any work or material not installed or performed in accordance with the approved plans and specifications. JFK Wing Lease § 2(f); LGA Lease §§ 2(b)(2),(6); British Airways JFK Lease § 2.

109. Upon completion, title to any construction work performed by the lessees, including construction of the JFK unit terminals, vests in either the City of New York or the City of Newark, and becomes a part of the leased premises. JFK Wing Lease § 2(j)(4); LGA Lease §§ 6(b), 9(b); Newark Lease § 4; TWA JFK Lease § 2; Eastern JFK Lease § 2; Northwest JFK Lease § 2; British Airways JFK Lease § 2; American JFK Lease § 2(g); Pan Am JFK Lease § 2(k); United JFK Lease § 2.

110. The lessees are prohibited from making any additional improvements, alterations, modifications, or additions to the existing facilities – whether exclusively leased or leased in common – without the prior written

consent of the Port. Should such unauthorized work be performed by the lessee, the Port may insist that the work be changed, modified or removed. JFK Wing Lease § 35; Newark Lease § 44, TWA JFK Lease § 31; United JFK Lease § 31; American JFK Lease § 33; Pan Am JFK Lease § 33; British Airways JFK Lease § 33; Northwest JFK Lease § 31; Eastern JFK Lease § 31; Delta LGA Lease § 33.

B. Facts Pertaining To Lease Arrangements Between The Port Authority And Airlines.

111. The Port Authority leases space at the three airports to privately owned airlines, as well as other commercial establishments and patron facilities such as shops, restaurants, newsstands, travel insurance facilities, banks, and so forth. There are two primary types of buildings in which the airlines lease space from the Port Authority: (1) free standing units at JFK and LaGuardia, and (2) central terminals at JFK, LaGuardia and Newark.

1. Facts Pertaining To The Unit Terminals.

112. At JFK, seven of the defendant airlines – Pan Am, American, TWA, United, Northwest, British Airways and Eastern – lease and occupy unit terminal buildings. Buhler Aff. at ¶ 3; Seaman Aff. at ¶ 3; Thorne Aff. at ¶ 3; Wildbergh Aff. at ¶ 3; Eastern JFK Lease. Delta occupies a unit terminal building at LaGuardia. Wesson Aff. at ¶ 6.

113. USAir and Delta sublease space in the unit terminal buildings of British Airways and Northwest, respectively. Depoy Aff. at ¶ 3; Wesson Aff. at ¶ 3. Northwest subleases space in Delta's unit terminal building at

LaGuardia. Thorne Aff. at ¶ 9. Each of the subleases are subject to the terms and conditions of the prime tenants' leases with the Port Authority. Depoy Aff. at ¶ 4; Wesson Aff. at ¶ 4; Thorne Aff. at ¶ 10.

114. The leased premises at the unit terminals include not only the land upon which the terminals are situated, but all fixtures, improvements and property located or to be constructed thereon. TWA JFK Lease § 1; Eastern JFK Lease § 1; American JFK Lease § 1; Northwest JFK Lease § 1; British Airways JFK Lease § 1; Pan Am JFK Lease § 1; United JFK Lease § 1; Delta LGA Lease § 1(a).

115. The Port Authority supplies the unit terminals with various utilities, such as electricity, hot and cold water, and sewerage services, and the airlines pay for these services. British Airways JFK Lease §§ 39(b), (c) & (d); Northwest JFK Lease §§ 36 (b), (c) & (d); Pan Am JFK Lease §§ 40(a), (b) & (c); TWA JFK Lease §§ 36(b), (c) & (d); United JFK Lease §§ 38(b), (c) & (d); Eastern JFK Lease § 38; American JFK Lease §§ 40,41; Delta LGA Lease § 39.

116. The airlines are responsible for all maintenance and repair work in their unit terminals. British Airways JFK Lease § 10; Northwest JFK Lease § 10; Pan Am JFK Lease 10; TWA JFK Lease § 10; United JFK Lease § 10; Wesson Aff. at ¶ 5; Eastern JFK Lease § 10; Delta LGA Lease § 10(a). They are also responsible for removing garbage from the premises in a manner that has been approved by the Port Authority. British Airways JFK Lease § 8(e); Northwest JFK Lease § 8(e); Pan Am JFK Lease § 8(e); TWA JFK Lease § 8(e); United JFK Lease

§ 8(e); Wesson Aff. at ¶ 5; Eastern JFK Lease § 8; Delta LGA Lease § 8(c).

117. The unit terminal airlines must procure property damage insurance for their premises. British Airways JFK Lease § 11; Northwest JFK Lease § 11; Pan Am JFK Lease § 11; TWA JFK Lease § 11; United JFK Lease § 11; Eastern JFK Lease § 11; Delta LGA Lease § 11.

118. The unit terminal lessees subcontract with guard services in order to fulfill their obligation to provide security in the leased premises. Buhler Aff. at ¶ 8; Dutton Aff. at ¶ 8; Pagen Aff. at ¶ 4; Seaman Aff at ¶ 8; Thorne Aff. at ¶ 8; Wildbergh Aff. ¶ 7; Wesson Aff. at ¶ 10.

119. The unit terminal leases require the airlines to prevent people and non-aircraft vehicles, unless otherwise authorized by the Port Authority, from having access to the Public Landing Area. The manner by which the airlines maintain this control is subject to Port Authority approval. British Airways JFK Lease § 9(g); Northwest JFK Lease § 9(g); Pan Am JFK Lease § 9(g); TWA JFK Lease § 9(g); United JFK Lease § 9(g); Eastern JFK Lease § 9(g); Delta LGA Lease § 9(g).

2. Facts Pertaining To The Central Terminals.

120. Air India, Iberia, Icelandair, Irish International, Japan Air, Scandanavian Airlines, Sabena, Varig, Alitalia, KLM and Luftansa lease space from the Port Authority at the IAB. Zutshi Aff. at ¶ 4; Alcazar Aff. at ¶ 4; Jorgensen Aff. at ¶ 4; Moore Aff. at ¶ 4; Othani Aff. at ¶ 4; Anderson

Aff. at ¶ 4; Soliman Aff. at ¶ 4; Nelson-Smith Aff. at ¶ 4; Haytink Aff. at ¶ 1; Ricci Aff. at ¶ 1.

121. Piedmont, USAir, American, TWA, United and Eastern lease office space and premises for ticket counters, passenger and baggage check areas, passenger lounges and waiting areas in the LaGuardia Central Terminal building. In common with other airlines, they lease concourse corridors leading to departure gates. Blackmon Aff. at ¶ 5; Depoy Aff. at ¶ 7; Dutton Aff. at ¶ 10; Pagen Aff. at ¶ 10; Seaman Aff. at ¶ 10.

122. Piedmont, USAir, United, Northwest, Delta and Eastern lease similar premises in Terminals A and B at Newark. They also lease certain common terminal areas as tenants in common with other airlines. Blackmon Aff. at ¶ 9; Depoy Aff. at ¶ 12; Seaman Aff. at ¶ 15; Thorne Aff. at ¶ 16; Wesson Aff. at ¶ 12.

123. The premises within each of these terminals were conveyed to the airlines in an unfinished state. The leases required the airlines to perform certain work, such as design and construction of stairways, escalators and counters, to place the premises in appropriate operating condition. JFK Wing Lease § 2; LGA Lease § 6(d); Newark Lease § 4. The plans and, in the case of the Wing buildings, the choice of architect, were subject to prior Port Authority approval. JFK Wing Lease §§ 2(b) & (c); LGA Lease § 6(d); Newark Lease § 4.

124. At JFK and Newark, the airlines may not modify their premises without Port Authority permission. JFK Wing Lease § 35; Newark Lease § 44. At LaGuardia, airlines may not build new structures on their premises without Port Authority permission. LGA Lease § 25. Title

to all construction work performed by the airlines vests in the City of New York or Newark. JFK Wing Lease § 2(j)(4); LGA Lease § 6(d); Newark Lease § 4.

125. In the JFK Wing buildings, the Port, at its own expense, is obligated to maintain and make all necessary repairs and replacements to the foundations, exterior walls and supporting frame and roof. JFK Wing Lease § 16(d)(i). The Port is also required to maintain all service pipes, wires, mains, lines, tubes, and ducts passing through or under the premises, and is further required to maintain any other portion of the premises which it has built. *Id.*

126. The Port is also responsible for all necessary cleaning and maintenance in the interior and exterior commonly leased premises of the Wing buildings. *Id.* § 17(a)-(d). In the exterior areas, these services include the performance of "all necessary maintenance, including but not limited to, the making of all necessary repairs, replacements (including relamping), repairing and rebuilding, and . . . snow and ice removal." *Id.* § 17(b). In the interior areas (including the second floor corridor and lobby areas), these services entail the performance of "all necessary maintenance, including but not limited to painting, the making of all necessary repairs, replacements (including relamping), repaving, reflooring, refurbishing and rebuilding." *Id.* § 17(c).

127. A number of other services are provided by the Port in the Wing buildings, including porter services for handling baggage, *id.* § 41(a); the provision of space for customs, immigration and health purposes, *id.* § 41(b);

ramp coordination services, *id.* § 41(c); incineration services, *id.* § 41(d); installation, operation and maintenance of the Arrivals Board in the main Arrivals Building, *id.* § 41(e); vehicular facilities for servicing the external areas of the Wing buildings, *id.* § 41(g); design, construction and installation of second level aircraft loading facilities, *id.* § 41(h); design, construction and installation of apron hydrant fueling facilities and vapor traps, *id.* § 41(i)(1); ground services for the second floor public circulation area, *id.* § 41(j); and a passenger transportation system which services the Central Terminal area, *id.* § 44.

128. The Port Authority is vested with overall responsibility for maintenance at LaGuardia Airport, including such areas and items as "the landing field, runways, aprons, taxiways, and the surface lights, boundary lights, floor lights, signals, radio beacons and aids, marker lights, sewerage facilities, roadways, streets, bridges, docks, wharfs and approaches thereto." LGA Lease § 20.

129. In the CTB, the Port Authority, "at its own costs and expense," is required to "maintain and make all necessary repairs and replacements to the foundations, exterior walls, and the structural supporting frame and roof of the building, and of its main service pipes, wires, mains, lines, ducts and conduits passing through or under the Terminal Building Space." *Id.* § 6(i)(3). In addition, the Port is responsible "at all times" to "repaint, repair and keep in a clean and orderly condition and appearance the common areas . . . and to perform, at its own cost and expense, all necessary maintenance, . . . repairs, replacements and rebuilding." *Id.* § 6(i)(5). And in the event that the CTB is damaged by fire

or other casualty, the Port Authority, at its own cost and expense, shall repair or rebuild the damaged premises "with all proper speed." *Id.* § 6(j).

130. Also at LaGuardia, if the lessees so request, "the Port Authority for and behalf of the Lessee will perform the necessary work in connection with any substantial rehabilitation of the Lessee's hangar space," *id.* § 5(d), and in the event of damage or destruction of the hangar buildings by fire or other casualty, "the same shall be repaired [or rebuilt] with all proper speed at the [Port's] expense." *Id.* § 5(f).

131. At Newark, the Port provides substantial services to the lessees, including the operation and maintenance of a fuel storage and distribution system for the receipt, storage and delivery of aviation fuel to the lessees, Newark Lease § 18, incineration facilities, *id.* § 36, extermination services, *id.* § 24(c), and an inter-terminal transportation system for airline passengers, *id.* § 69.

132. Also at Newark, each airline is responsible for all maintenance and repair in its exclusive areas and has the joint obligation with the other airlines to maintain and repair the non-exclusive areas. *Id.* § 30. If the airlines desire porter services, the contractor is subject to Port Authority approval. *Id.* § 25.

133. At JFK and LaGuardia, the Port Authority provides utility services in both the exclusive and non-exclusive areas, and the airlines pay for the service. JFK Wing Lease §§ 66 & 67; LGA Lease § 6(k). At Newark, the Port Authority provides a central heating and a refrigeration system, for which the airlines pay. Newark Lease § 5. At

JFK and Newark, the airlines are responsible for removing garbage from their premises in a manner that has been approved by the Port Authority. JFK Wing Lease § 13(d); Newark Lease § 39.

134. The Port Authority provides security services at JFK, although the airlines must pay for this service. JFK Wing Lease §§ 7(h) & 41(j). At Newark, each airline is responsible for providing security which is satisfactory to the Port. Newark Lease § 39(e). If the airlines fail to discharge their security obligations, then the Port will provide the necessary personnel, and the airlines must reimburse it for the expenses. *Id.* § 30(b)(7).

135. In the Wing buildings, each airline may use only seventy-five percent of the aggregate floor space within its exclusively leased premises unless special permission is obtained from the Port Authority. JFK Wing Lease § 10(I)(f). Portions of the common area A-1 may be designated Departure Hold areas by the Port Authority. These areas may be used only by employees and passengers unless otherwise authorized by the Port Authority. *Id.* § 10(II)(a). The Port Authority also establishes procedures governing the use of the Ramp and Apron areas by the aircraft operators *id.* at § 10(II)(b)(a), and it may establish procedures governing the use of the Departure Area (A-l), the Loading and Unloading Vestibules (A-4), the Arrivals Board, the vehicular service, the public address system, and the aircraft loading facilities. *Id.* at § 10(II)(b)(6)(b).

3. Facts Pertaining To Consumer Services At The Three Airports.

136. The Port Authority maintains the exclusive right to provide consumer services in both the exclusively and non-exclusively leased parts of the three airports. These consumer services operations include food and beverage facilities, LGA Lease § 7; Newark Lease § 29(i); TWA JFK Lease § 40; Northwest JFK Lease § 43; United JFK Lease § 43; Pan Am JFK Lease § 43; Eastern JFK Lease § 43; British Airways JFK Lease § 42; American JFK Lease § 44, vending machines, public telephones, and advertising displays, JFK Wing Lease § 15; LGA Lease § 7; Newark Lease § 29(ii); TWA JFK Lease § 41; Northwest JFK Lease § 40; United JFK Lease § 44; Pan Am JFK Lease § 44; Eastern JFK Lease § 44; British Airways JFK Lease § 43; American JFK Lease § 45, air travel insurance facilities, JFK Wing Lease § 15(b)(2); LGA Lease § 7; Newark Lease § 29(iii); TWA JFK Lease § 42; Northwest JFK Lease § 41; United JFK Lease § 45; Pan Am JFK Lease § 45; Eastern JFK Lease § 45; British Airways JFK Lease § 44; American JFK Lease § 46, newsstands, JFK Wing Lease § 15(b)(5)(iv); LGA Lease § 7; Newark Lease § 29(iv); TWA JFK Lease § 43; Northwest JFK Lease § 7; United JFK Lease § 46; Pan Am JFK Lease § 47, and operation of such other commercial establishments as may be required, JFK Wing Lease § 14(b)(5)(iv); LGA Lease § 7; Newark Lease § 29(v)(a); TWA JFK Lease § 44; Northwest JFK § 43; United JFK Lease § 47; Pan Am JFK Lease § 47; Eastern JFK Lease § 47; British Airways Lease § 46; American JFK Lease § 48. The Port also provides surface transportation for air travel passengers in and between the various terminals at the airports. JFK Wing Lease § 44;

Newark Lease, § 69; American JFK Lease § 63; Pan Am JFK Lease § 66.

137. Delta Airlines may select its own restaurant operator to manage its facilities in its LaGuardia unit terminal. The restaurant operator must obtain a permit from the Port Authority and must pay both the airline and the Port Authority a percentage fee based upon its gross receipts. Delta LGA Lease § 42.

138. Delta may also contract with its own newsstand and gift store operators at its LaGuardia unit terminal. These operators must obtain a permit from the Port Authority, and must pay a fee to the Port. Delta LGA Lease § 45.

139. At Newark and the JFK unit terminals, the Port receives an agreed-upon percentage of the gross receipts generated from the food and beverage, vending machine, public telephone and advertising operations. Eighty percent of the percentage fee received by the Port is then paid to the lessees of the areas in which the consumer services are located, Newark Lease §§ 26(i)(v); TWA JFK Lease §§ 40-41; Northwest JFK Lease §§ 26(i)-(v); United JFK Lease §§ 44-45; Pan Am JFK Lease §§ 43-44; Eastern JFK Lease §§ 43-44; British Airways JFK Lease §§ 42-43; American JFK Lease §§ 44-45, and twenty percent is retained by the Port. *Id.*

140. At Newark and the JFK wing and unit terminals, the Port imposes a flat rental fee on space for the travel insurance, newsstand and gift shop facilities. The Port also receives a percentage of the gross receipts generated from such facilities, less the basic rental fee. The lessees, in turn, receive the basic rental fee from the Port.

If the percentage fee paid to the Port by the consumer service operator exceeds the amount of the basic rental, the excess, if any, is divided equally between the Port and the airline lessees. Newark Lease §§ 26(iii) & (iv); JFK Wing Lease § 15(b)(5); TWA JFK Lease §§ 42-44; Northwest JFK Basic Lease § 41-43; United JFK Lease §§ 45-47; Pan Am JFK Basic Lease §§ 45-47; Eastern JFK Lease §§ 45-47; British Airways JFK Lease §§ 44-46; American JFK Basic Lease §§ 46-48.

141. In the wing buildings, the airlines may maintain a bar within their exclusively leased premises. However, they must use the Port Authority Consumer Services Operator and the Port Authority is entitled to a percentage of the profits. JFK Wing Lease § 15(b)(l). The Port Authority will furnish air transportation insurance vendors through its operator. *Id.* § 15(b)(2).

142. Only the Port Authority may install vending machines in the wing buildings, and it retains the proceeds. *Id.* § 15(b)(3). If the airlines wish to sell other merchandise, the Port Authority is entitled to a percentage of the gross receipts. *Id.* § 15(b)(5). The airlines also may not sell advertising space in their terminals without Port Authority approval. *Id.* § 15(b)(4).

143. At LaGuardia, the Port Authority maintains a restaurant in the common area. LGA Lease § 7. It also provides supplemental consumer services, such as newsstands, air transportation insurance, vending machines and advertising displays if the airlines desire such services. *Id.* The airlines may maintain clubrooms using their own personnel; however, they may be required to pay the Port Authority a fee to do so. *Id.* at § 8.

144. At Newark, the airlines may not install or operate vending machines of any kind or maintain any kind of eating establishment unless expressly permitted to do so by the Port Authority. Newark Lease § 26. The Port Authority will provide such consumer services and it will share the fees with the airlines. *Id.* § 49.

145. The unit terminal lessees at JFK are permitted to operate observation decks, but the Port is entitled to 30% of the gross receipts generated therefrom. TWA JFK Lease § 49; Eastern JFK Lease § 51; British Airways JFK Lease § 51; Northwest JFK Basic Lease § 48; United JFK Lease § 51; American JFK Basic Lease § 53; Pan Am JFK Basic Lease § 52.

4. Facts Pertaining To Port Authority Control Over The Leased Areas.

146. The Port Authority has reserved a right of entry to inspect the leased premises. British Airways JFK Lease § 17(a); Northwest JFK Lease § 17(a) Pan Am JFK Lease § 17(a); TWA JFK Lease § 17(a); United JFK Lease § 17(a); Eastern JFK Lease § 17(a); Delta LGA Lease § 17(a); JFK Wing Lease § 21(a); LGA Lease § 33; Newark Lease § 46(a).

147. At the unit terminals and the central terminals at JFK and Newark, the Port may construct utility, mechanical and electrical systems on the leased premises and has reserved the right to enter the premises to install, repair, replace or alter these systems. British Airways JFK Lease § 17(b); Northwest JFK Lease § 17(b); Pan Am JFK Lease § 17(b); TWA JFK Lease § 17(b); United JFK Lease

§ 17(b); Eastern JFK Lease § 17(b); Delta LGA Lease § 17(b); JFK Wing Lease 21(b); Newark Lease § 46(b).

148. The airlines may not display signs or advertising on the exterior of the unit terminals or the central terminals at JFK or Newark without obtaining written permission from the Port Authority. British Airways JFK Lease § 14(a); Northwest JFK Lease § 14(a); Pan Am JFK Lease § 14(a); TWA JFK Lease § 14(a); United JFK Lease § 14(a); Eastern JFK Lease § 14(a); American JFK Lease § 14; Delta LGA Lease § 14; JFK Wing Lease § 19(A)(1); Newark Lease § 34(a). The airlines must also obtain written consent from the Port Authority before subletting any part of their premises. British Airways JFK Lease § 19(b); Northwest JFK Lease § 19(b); Pan Am JFK Lease § 19(b); TWA JFK Lease § 19(b); United JFK Lease § 19(b); Eastern JFK Lease § 19(b); JFK American Lease § 19; Delta LGA Lease § 19; JFK Wing Lease § 23(b); LGA Lease § 31; Newark Lease § 21(b).

149. At JFK and Newark the Port Authority has the right to object to the conduct and demeanor of airline employees and passengers, and the airline must take all steps necessary to eliminate the problem. The Port Authority can also require all airline employees to wear badges. British Airlines JFK Lease § 8(c); Northwest JFK Lease § 8(c); Pan Am JFK Lease § 8(c); JFK Eastern Lease § 8(c); JFK American Lease § 8; Delta LGA Lease § 8(c); JFK Wing Lease § 13(c); Newark Lease § 39(c).

150. Each lessee must comply with all laws and governmental requirements. British Airways JFK Lease § 6(a); Northwest JFK Lease § 6(a); Pan Am JFK Lease § 6(a); TWA JFK Lease § 6(a); United JFK Lease § 6(a);

Eastern JFK Lease § 6(a); American JFK Lease § 6(a); Delta LGA Lease § 6(a); JFK Wing Lease § 11; Newark Lease § 38(a). The Port Authority may direct the lessees not to comply with those municipal rules and regulations that are applicable to the lessees only because of the Port Authority's lease agreements with the municipalities. The Port Authority must, however, indemnify the lessees for all liabilities incurred as a result of such noncompliance. British Airways JFK Lease § 6(c); Northwest JFK Lease § 6(c); Pan Am JFK Lease § 6(d); TWA JFK Lease § 6(c); United JFK Lease § 6(c); Eastern JFK Lease § 6(c); Delta LGA Lease § 6(d); JFK Wing Lease § 11(d); Newark Lease § 38(b).

151. Each lease contains a provision that limits the uses to which the premises may be put. British Airways JFK Lease § 5; Northwest JFK Lease § 5; Pan Am JFK Lease §§ 5 & 42; TWA JFK Lease §§ 5 & 54; United JFK Lease § 5; Eastern JFK Lease § 5; American JFK Lease § 5; Delta LGA Lease § 5; JFK Wing Lease § 10; LGA Lease § 6; Newark Lease § 11. Before using or allowing others to use the leased premises in a manner that conflicts or is not provided for under this provision, the airlines must obtain permission from the Port Authority. Sloane deposition at 91-92. Generally, the Port Authority will grant this permission if the proposed use will not adversely affect the safe operation of the airport. *Id.* at 92-93. Further, it is Port Authority policy that if an individual or group seeks to use the leased areas in a manner that is not consistent with the use provisions, it must first seek permission from the individual airline and not directly from the Port Authority. *Id.* at 84.

Dated: Los Angeles, California
November 11, 1987

Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., et al.	75 Civ. 5388 (MJL)
plaintiffs,	*AFFIDAVIT OF ALAN J. ATTIAS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT*
-against-	
WALTER LEE, etc., et al.,	
defendants.	

STATE OF FLORIDA : SS
COUNTY OF PALM BEACH :

ALAN J. ATTIAS, being duly sworn, deposes and says:

1. I am presently a legal investigator and paralegal in Boca Raton, Florida. From 1982-1986 I worked for William H. Ogle, attorney at law, in Knoxville, Tennessee in the same capacity.

2. I have also worked for David M. Liberman, one of the attorneys of record in the within matter, on several

First Amendment public forum cases, including *International Society For Krishna Consciousness v. City of Chicago*, No. 83 C1568 (N.D. Ill. 1983) and *Hynes v. City of Gatlinburg*, No. CIV-3-84-456 (E.D. Tenn 1984). In these cases, I was responsible for investigating and analyzing the public forum features of Chicago O'Hare International Airport, and the downtown commercial area of Gatlinburg, Tennessee, and compiling a comprehensive report for use in litigation.

3. Recently, I was retained by Mr. Liberman to make a similar investigation and report for John F. Kennedy (JFK), Newark International (Newark) and LaGuardia Airports.

4. On October 15, 1987, I visited the offices of the Port Authority of New York and New Jersey (Port Authority) at One World Trade Center, New York, N.Y., in order to acquire historical, logistical, statistical, and sociological information on the airports. In this regard, I collected Exhibit 1, "Fact Sheet John F. Kennedy International Airport," Exhibit 2, "Fact Sheet LaGuardia Airport," and Exhibit 3, "Fact Sheet Newark International Airport" from the Marketing and Economics Division of the Port Authority. These exhibits, true and correct copies of which are attached hereto, contain statistical, historical and logistical facts about the three airports.

5. At the Public Affairs Department of the Port Authority, I acquired Exhibit 4, "Port Authority Capital Program 1987-1991," Exhibit 5, "1986 Airport Highlights," Exhibit 6, News Release No. 38-87, Mar. 12, 1987, and Exhibit 7, News Release No. 39-87, Mar. 12, 1987. These Exhibits, true and correct copies of which are

attached to this Affidavit, contain not only statistical, sociological and logistical information about the airports, but also describe in significant detail an already approved major capital expansion program which will substantially improve, expand, and reconfigure the three airports over the next 5-15 years.

6. I also obtained Exhibit 8, "Getting Around At NIA," Exhibit 9, "Getting Around At JFK," and Exhibit 10, "Getting Around at LGA," from a free information rack at Newark. These brochures, true and correct copies of which are attached hereto, contain logistical information about the airports, including maps of the three airports and charts which specify the public facilities and services which are offered at the various airport terminals.

7. In addition to acquiring the above described exhibits, I personally surveyed each of the passenger terminals at the three airports, and noted the configuration of the general circulation areas, as well as the public facilities and services provided at each of the terminals.

8. On October 16, 1987, I spent several hours surveying the four terminals located at Newark. The North Terminal is a one level structure which contains a spacious lobby bordered by a ticketing and baggage check-in area. Also located in the lobby circulation area are two restaurants, a cocktail lounge, fruit and nut shop, nursery, newsstand, duty free shop, shoeshine stand, bank, cafeteria, travel insurance facility, postal facility, ice cream shop, currency exchange, and car rental counters. A seating area and baggage retrieval area are also located on the main level.

9. Newark Terminals A and B are structurally identical. Both consist of a ground floor arrivals level, a main floor departure level, and a mezzanine level located between the upper and lower levels. The arrival levels of both terminals consist of expansive corridors and walkways, interspersed with baggage retrieval areas and car rental and hotel reservation counters. The departure levels of each terminal consist of ticket and baggage check-in counters, and a spacious lobby/corridor area adjacent to the central escalators, which is flanked by passenger seating areas.

10. The concourse level of Terminal A includes long corridors bordered by two cocktail lounges, three postal facilities, a barber shop, shoeshine stand, duty free shop, bank, newsstand, ice cream shop restaurant, nursery, two travel insurance facilities, two telegraph facilities, two gift shops, and a traveller's check/cash machine.

11. Each of the satellites at Terminal A contain a coffee shop, newsstand, cocktail lounge, and travel insurance facility.

12. Additionally, six rotating advertising displays are located in the concourse level of Terminal A, and four rotating advertising displays are located in the departure level, along with two motor vehicle displays.

13. The concourse level at Terminal B includes spacious corridors bordered by two cocktail lounges, three travel insurance facilities, three telegraph facilities, two nurseries, three postal facilities, a gift shop, shoeshine stand, drug store, newsstand, ice cream shop, coffee shop, book store, restaurant, bank, and a traveller's check/cash machine.

14. The concourse area also contains six rotating advertising displays.

15. Additionally, the three satellite buildings each contain a coffee shop, cocktail lounge and newsstand.

16. On October 16, 1987, and on October 17, 1987, I spent over 12 hours surveying JFK, which includes eight unit terminals and the International Arrivals Building (IAB) complex. The IAB consists of two levels. The first level includes an expansive central lobby area located between the federal customs area and the front entrance of the building. The second level of the IAB includes a central mezzanine lobby area, and two long L-shaped corridors extending directly outward from the lobby area.

17. Located on the boundaries of the lobby/mezzanine area are two restaurants, two snack bars, a bar, a postal substation and postal facility, a bank, telegraph office, duty free boutique, drug store, nursery, barber shop, and two currency exchange facilities. The second floor mezzanine area also includes a dental office and an area for the display of art exhibits, which on the date that I was at the IAB featured a Salvador Dali display.

18. The L-shaped east wing corridor of the second floor IAB includes a large seating area located where the two corridors intersect. Lining both sides of both corridors are numerous commercial establishments and patron facilities, including six duty free shops, three bars, a snack bar, telegraph office, bank, currency exchange, bookstore, newsstand, India store, postal facility, cookie/candy shop, two travel insurance areas, and a retail Bloomingdale's. While I was present, the corridor also

contained 11 free standing commercial advertising displays, and two free standing public service displays.

19. The west wing corridor is essentially a mirror image of the east wing, and is bordered by four duty free shops, a newsstand, bookstore, currency exchange, snack bar, cookie/candy shop, American Express cash/traveller check machine, two bars and two travel insurance facilities. The corridor also provides for ample seating areas, as well as 11 free standing commercial advertising displays, and one free standing public service advertising display.

20. The Pan American unit terminal consists of a large oval building in front which leads to a triangular section immediately behind it. The first level includes a general ticketing and baggage check-in area, as well as a newsstand, gift shop and postal facility. The second level includes a snack bar and cocktail lounge.

21. Two long corridors interspersed with six aircraft gate positions lead to a rear corridor containing an expansive seating area and two duty free shops, two currency exchanges, a travel insurance facility, drug store, cocktail lounge, cafeteria, toy shop, bookshop, gourmet food shop, newsstand, restaurant, beauty shop, bank, and retail Bloomingdale's. The corridor walls are lined by commercial advertising billboards, and six rotating commercial advertising displays and one rotating public service advertising display are located in the floor area.

22. The Immigration and Baggage Pickup level of the Pan Am unit terminal includes car rental and hotel

reservation counters, an American Express machine and commercial advertising displays.

23. The Northwest/Delta unit terminal is a rectangular shaped building with an Inbound level, Outbound level, and mezzanine level. The front portion of the outbound level is comprised of the ticketing and baggage check-in area. Three main corridors lead to a rear corridor/hallway, and are bordered by numerous commercial establishments and patron facilities, including a large duty free shop in the central concourse area, a restaurant, cocktail lounge, currency exchange, travel insurance facility, traveler's check machine, and postal facility. Six commercial advertising stands are located throughout the outbound level.

24. The inbound level consists of the baggage retrieval area and a lobby area bordered by car rental and hotel reservations counters.

25. The Eastern unit terminal is a compact rectangular building with two concourses extending behind the building from both sides. The central terminal area consists of a ticketing and baggage check-in area, a spacious seating area, and a series of commercial shops situated in kiosks in the middle of the terminal.

26. A central hallway leads to a rear corridor which runs parallel to the front of the building. The rear corridor, in turn, leads into concourses at both ends, and is bordered by two giftshops, a drugstore, coffee shop, postal facility, newsstand, cutlery shop, restaurant/lounge, cookie shop, barber shop, shoeshine stand, and two duty free shops.

27. The Eastern unit terminal also contains an arrivals level where passengers retrieve their luggage. Located on this level, as well as on the main level, are rental car and hotel reservation counters and numerous free standing advertising displays.

28. The United unit terminal is a two level building with two concourses. The ticket and baggage area is located in the central portion of the main floor. On each side of the ticketing counters are lobby areas, and to the rear is a long corridor which connects the two lobbies. Located within the lobby/corridor area are two currency exchanges, two gift shops, two newsstands, three cocktail lounges, a duty free shop, restaurant, coffee shop, bank, postal facility, shoeshine stand, travel insurance facility, and traveller's check/cash machine. Also interspersed around the lobby area are five rotating advertising displays, as well as a motor vehicle exhibit.

29. On the ground level of the United terminal is the baggage retrieval area, as well as car rental and hotel reservation counters. Numerous advertisements are located along the walls of the ground level.

30. The American Airlines unit terminal is a two level structure with two concourses extending from the rear of the building. The main departure level contains a ticketing and baggage check-in area, as well as a bank, two restaurants, two snack counters, two gift shops, two traveler's check/cash machines, a currency exchange, duty free shop, cocktail lounge, newsstand and shoeshine stand. A duty free shop is also located on a small mezzanine above the main floor.

31. The ground floor arrivals level contains seven baggage retrieval areas, with advertising displays interspersed throughout the area. Car rental and hotel reservation counters are also located on the ground floor level.

32. Each of the main floor gate areas are served by two cocktail lounges and two snack bars.

33. The British Airways unit terminal at JFK is a compact rectangular structure with two main levels. The front portion of the outbound level provides for ticketing and baggage check-in. A back corridor area of the outbound level borders the gate positions. A passenger seating area runs the length of the rear corridor, and is bordered by two cocktail lounges, a barber shop, nursery, gift shop, duty free shop, newsstand, cookie/candy store, cafeteria, postal facility, travel insurance area, and a currency exchange. A small mezzanine level also has a lounge area.

34. The inbound level contains the baggage retrieval area and car rental and hotel reservation counters.

35. TWA maintains two unit terminals at JFK. The main level of Terminal B contains a central ticketing and baggage check-in area. Located behind the ticketing area is a mezzanine level which includes two duty free boutiques, a cocktail lounge, currency exchange, travel insurance facility, and four rotating advertising displays.

36. From the mezzanine level, two corridors lead to a large departure hall, which contains a restaurant, cafeteria, snack bar, duty free shop, gift shop, newsstand, two nurseries, and a seating area. Extending outward from

the departure hall are two concourses, each of which contains one cocktail lounge.

37. The arrivals level of TWA Terminal B includes a baggage retrieval area, as well as car rental and hotel reservation counters, a cash machine and a traveller's check machine.

38. TWA unit terminal A is a multi-leveled structure. The front portion of the departure level is occupied by the ticketing and baggage check-in area. Adjacent to the ticketing area is a sunken passenger seating area, bordered by two mezzanines. Located on the mezzanines are two currency exchanges, two duty free shops, two postal facilities, a book store, nursery, snack bar, two cocktail lounges, a restaurant, newsstand, shoeshine stand, coffee shop, and bank. A bar and snack bar is also located in flight wing no. 1, and a snack bar is located in flight wing no. 2.

39. The arrivals level includes a baggage retrieval area, rental car and hotel reservation counters, a currency exchange, travel insurance booth, and an American Express vending machine.

40. On October 17, 1987, I surveyed LaGuardia Airport for several hours. The airport consists of a main central terminal building (CTB), and three unit terminals east of the CTB.

41. The second floor of the CTB is the main departure level, and consists of a spacious central lobby area, and east and west wings. A smaller lobby area is located at the end of the west wing.

42. Five ticketing and baggage check-in areas are located on the second floor of the CTB – two between Fingers 1 and 2, and three between Fingers 3 and 4. A rear corridor runs the entire length of the east and west wings, and intersects with the main, central lobby area. Interspersed throughout the corridor and lobby areas between Fingers 1 and 2 are a bookstore, cocktail lounge, postal station, shoeshine stand, and traveler's check/cash machine. Three gift shops, a book store, newsstand, drug store, barber shop, restaurant, bank, coffee shop, postal station, and traveler's check/cash machine are located between Fingers 2 and 3. And, a cocktail lounge, shoeshine stand, gift shop, and restaurant are located between Fingers 3 and 4. Commercial and public service billboard advertisements line the walls between the fingers. Additionally, a traveller's check/cash machine, postal facility, motor vehicle display, two rotating commercial advertising displays, and a manned AIDS information table are located in the central lobby area.

43. Located at the end of each of the four fingers are a newsstand, postal facility, currency exchange, restaurant, fruit and nut stand, duty free shop, and travel insurance facility.

44. The first floor arrivals level of the CTB contains seven baggage retrieval areas which are linked by a corridor extending the length of the east and west wings. A small lobby is located in the center of the first floor. In addition to several car rental and hotel reservation counters, the arrivals level includes a bank, post office substation, and nursery, and is interspersed with commercial advertisements.

45. The third floor of the CTB has a long corridor extending the length of the building. Two corridor/lobby areas link east and west wings to the main parking structure located directly in front of the CTB. Private airline clubs, a restaurant and chapel are located on this level.

46. Eastern and Delta airlines maintain unit terminals at LaGuardia, which are located east of the CTB. The Eastern Commuter Terminal is a one level structure with a ticketing area, cafeteria, cocktail lounge, gift shop and newsstand.

47. The Eastern Shuttle Terminal consists of a departure arrivals level. In addition to the ticketing and baggage check-in area, the departure level includes a gift shop, snack bar, cafeteria, cocktail lounge, travel insurance facility, traveler's check/cash machine, and shoeshine stand. The arrivals level includes a baggage retrieval area, newsstand, cash machine, snack bar, and car rental and hotel reservation counters.

48. The Delta/Northwest unit terminal is a two level L-shaped structure. The Delta and Northwest ticketing and baggage check-in areas are located in the front portion of the main departure level. A corridor leads to a central lobby area and rear corridor, where two restaurants, two gift shops, a sports shop, bookstore, cocktail lounge, cafeteria, ice cream shop, snack bar, cash machine, flower vending machine, currency exchange, and shoeshine stand are located. The walls are lined with commercial advertisements, and four rotating advertising displays are situated in the ticketing area. A motor vehicle exhibit, encyclopedia kiosk, and post box are also located in the central lobby/corridor.

49. The arrivals level consists of a baggage retrieval area, and car rental and hotel reservation counters.

/s/ Alan J. Attias
ALAN J. ATTIAS

Sworn before me this
9 day of November, 1987

/s/ Illegible
Notary Public

Notary Public, State of Florida
My Commission Expires Sept. 22, 1989
Bonded Thru Troy Pain Insurance Inc.

EXHIBIT 1

THE PORT AUTHORITY OF NY & NJ

One World Trade Center New York, N.Y. 10048

June 1986

FACT SHEET
JOHN F. KENNEDY INTERNATIONAL AIRPORT

OPERATED BY:	The Port Authority of New York and New Jersey, since June 1, 1947 under a lease with the City of New York.
LOCATION:	In the southeastern section of Queens County, New York City, on Jamaica Bay. Fifteen miles by highway from midtown Manhattan.
SIZE:	4,930 acres (including 840 acres in the Central Terminal Area) – equivalent to all of Manhattan Island from 42nd Street to the Battery.
OPENED:	First commercial flights began July 1, 1948. The airport was formally dedicated as New York International Airport on July 31, 1948. It was rededicated on December 24, 1963, as John F. Kennedy International Airport, following action of the Mayor and Council of the City of New York and resolution by the Commissioners of the Port Authority. Construction began April 1942, when the City of New York contracted for the placing of hydraulic fill over the marshy tidelands on the site of Idlewild Golf Course, on what was to be a 1,000-acre airport.

INVESTMENT: About $60,000,000 was expended by the City of New York on original construction. Through June 30, 1984 the Port Authority has invested approximately $781,554,000 at the airport.

EMPLOYMENT: In 1985, the airport provided employment for 41,700 people.

RUNWAYS: The runway system consists of two pairs of parallel runways (4L-22R, 4R-22L and 13L-31R, 13R-31L) aligned at right angles. A fifth runway, General Aviation Runway 14-32, serves private, business and commuter airline flying only. Total runway length is nine miles.

Runways 4R-22L and 4L-22R are operated as a parallel runway system. Runway 4R-22L is 8,400 ft. by 150 ft., and Runway 4L-22R is 11,352 ft. by 150 ft. wide.

Both ends of Runway 4R-22L are equipped with Instrument Landing Systems (ILS), Approach Lighting Systems (ALS) with sequenced flashers, and touchdown zone lighting; the runway also is equipped with centerline and edge lighting, and high speed taxiway exit lighting. Take-offs are permitted with visibility of 1/8 mile. Runway 4R is a Category II Runway permitting landings with visibility lower than 1/4 mile; (FAA is installing equipment to permit Category IIIa landings, by early 1982); 22L landings are conducted

with visibility less than 1/2 mile. Runway 4L-22R is equipped with ILS at both ends, and edge and centerline lighting; with a Visual Approach Slope Indicator System (VASI) for Runway 22R approaches. The 4L end is equipped with a Runway End Identifier Light System (REILS). Instrument landings are permitted at both ends, and takeoffs are permitted with 1/8 mile visibility. Both runways have been grooved to improve skid resistance and minimize hydroplaning.

Runways 13L-31R and 13R-31L – also operate as a parallel runway system. Runway 13L-31R is 10,000 feet by 150 feet and Runway 13R-31L is 14,572 feet by 150 feet. Both have edge and centerline lighting.

Both ends of Runway 13L-31R are equipped with ILS. The 13L end is a Category II runway, equipped with approach lights, a VASI and a lead-in lighting system (LBIN). Landings on 13L are permitted with visibilities as low as 1/4 mile, and takeoffs with visibilities as low as 1/8 mile. Runway 31R has an approach lighting system permitting landings with 1/2 mile visibility, and takeoffs with one-eighth mile visibility. The runway is grooved for added traction in wet weather.

In the case of Runway 13R-31L, the Runway 13R end is equipped with a

VASI and LDIN, while the Runway 31L end is equipped with an ILS, permitting instrument landings.

The alignment of the two parallel runway combinations (4R-22L/4L-22R and 13R-31L/13L-31R) permits landings on one runway during instrument conditions while takeoffs are being made on the parallel runway. This materially increases capacity of the airport and reduces landing and takeoff delays. All runway exists are provided with elevated blue edge lights.

GA Runway 14-32 has been established along a section of Taxiway "E". This runway, 2,560 feet long by 75 feet wide, commissioned for aircraft weighing less than 12,500 pounds, is usable for both day and night flying. Medium intensity runway edge lights are provided.

TAXIWAYS: Taxiways total 22 miles in length. Standard width is 75 feet, with 25 feet heavy duty shoulders and 25 feet erosion control pavement on each side. The taxiway centerline light system has largely displaced the edge light system previously used. Taxiways are generally of asphaltic concrete or lime, cement, flyash (LCF) composition 15 to 18 inches thick. A sign system, illuminated at night, provides directional information for taxiing aircraft.

BUILDINGS:

Central Terminal Area

Consists of eight airline passenger terminals and the International Arrivals/Wing Buildings complex in the center of the airport, surrounded by a dual ring of peripheral taxiways. Initially 655 acres, its area was enlarged to 840 acres by relocation of the taxiways to provide space needed for expansion of the passenger terminals.

There are about 150 aircraft gate positions serving the various terminals. The number can vary with the type and size of aircraft in use.

The Central Terminal Area facilities also include a 10-story airport control tower, central heating and air-conditioning plant, Tri-Faith Chapel plaza, parking for over 6,600 autos, and an auto service station. (There are a total of 13,000 public parking spaces at the airport including the Central Terminal Area, employee lot and long-term lot.)

Air Cargo Center

Consists of 23 cargo handling and cargo service buildings, two hanger/cargo buildings, an Animalport operated by the ASPCA, and a U.S. Post Office Airport Mail Facility (see below).

Aircraft Service Facilities

Thirteen aircraft hangars; Pan American engine overhaul building; 32 million gallon aircraft fuel storage facility; fuel truck garage. An additional hangar for Eastern Air Lines is under construction.

Airport Administrative Facilities

Port Authority office ar . maintenance building; Port Authority Police and Operations Building; Satellite Police Garage; Telephone Central Office; Medical Building; Water Pumping Station.

Other Facilities

International Hotel (520 rooms); three rental car service buildings; Carey Transportation bus garage; Federal Office Building; Citibank building; seven food production centers; Flying Tiger's office building. The airport has over 32 miles of roadways. A large new airport mail facility has been built by the U.S. Postal Service in the North Cargo Area.

UNITED STATES-FLAG SCHEDULED AIRLINES:
Air Atlanta
American Airlines
Arrow Air
Delta Airlines
Eastern Airlines
Empire Airlines
Northwest Orient Airlines
Pan American World Airways
Redmont-Henson
Republic

Tower Air
Transamerica Airlines
Trans World Airlines
United Airlines
USAir
Western Airlines

FOREIGN-FLAG SCHEDULE AIRLINES:
Aer Lingus
Aerolineas Argentinas
Aeromexico
Aero Peru
Air Afrique
Air France
Air India
Air Jamaica
ALIA Royal Jordanian Airlines
Alitalia
ALM
Aviance (Columbia)
British Airways
British West Indian Airways
British Caledonaian
C.A.A.C.
Cayman Airways
China Air
Czechoslovakian Airlines
Dominicana (Dominican Republic)
Ecuatoriana
Egypt Air
El Al Israel Airlines
Finnair
Guyana Airways
Iberia
Icelandair
Japan Air Lines
KLM Royal Dutch Airlines
Korean Airlines
Kuwait

Lan-Chile
LOT-Polish
Lufthansa German Airlines
Nigerian Airways
Olympic Airways
Pakistan International Airlines
Royal Air Maroc
SABENA-Belgian World Airlines
SAS-Scandinavian Airlines Systems
Saudia
South Africañ Airways
Swissair
TAP (Air Portugal)
TAROM Romanian Airlines
VARIG Airlines (Brazil)
VIASA Airlines (Venezuela)
Yugoslav Airlines

CARGO ONLY DOMESTIC & FOREIGN:
Aeromar
Aeronaves Del Peru
Air Express International
Airborne Express
Air Canada
Arrow Airways
Cargo Lux
Caribbean Air Cargo
D.H.L. Airlines
Emery
Federal Express
Flying Tiger Lines
INNAIR
Spirit of America
Summit Airlines
TAB Transports (Aero Bolivia)
Transamerica

SUPPLEMENTAL AIRLINES (U.S. & Foreign):
Aerostar
American Transair
Balair
British Air Tours
Condor Air Service
Five Star
LTU (Lufttransport Unternehmen)
Martin Air
Minerve
Spantax S.A.
Susquequehanna

COMMUTER AIRLINES:
Allegheny Commuter
Bar Harbor Airlines
Command Airways
East Coast
Jet Express
Pilgrim Airways
Precision
Ransome Airlines

HELICOPTER AIRLINES:
New York Helicopter

AIR TRAFFIC:

	1949	1982	1983	1984	1985
Movements	18,115	290,000	304,322	308,000	286,076
Passengers	222,620	26,453,000	27,904,474	30,000,000	28,945,288
Air Cargo (tons)	4,580	1,113,000	2,245,757	1,250,000	1,080,354

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* First Year of Port Authority Operation
Estimated

ELECTRICAL POWER:

a) 281,000 KVA total-4 sub-stations
b) Main feed to Airport from Con Edison (Jamaica & Brooklyn Plants-fourteen 27KV feeders)
c) Runway lighting and taxi-way centerline lighting adjustable to five degrees of intensity
d) Emergency generator backup provided for critical runway and taxiway lighting and navigational aids

CENTRAL HEATING & REFRIGERATION PLANT:

a) Hot Water – 380-400 F, 250#-330# pressure
b) Chilled Water – 45 F, supply, 55 F return
c) Generator Capacity – 280,000,000 B.T.U.
d) Refrigeration Capacity – 18 units produce 22,450 tons
e) Two 210,000 gallon fuel oil storage tanks
f) Two 10,000 gallon fuel oil day tanks

DOMESTIC WATER SUPPLY:

3,000,000 gallons per day

AVIATION FUEL:

a) Storage Capacity – 32 million gallons
b) 62 tanks in bulk storage and 40 tanks in Satellite
c) 50 miles of underground pipe
d) Five piers
e) Computerized transfer of fuel – capable of handling 27 different types of fuel
f) Fuel Tank Farms protected by high pressure foam systems

* * *

EXHIBIT 2

THE PORT AUTHORITY
OF NY & NJ
One World Trade Center
New York, N.Y. 10048

November 1986

FACT SHEET
LA GUARDIA AIRPORT

OPERATED BY: The Port Authority of New York and New Jersey, under a lease with the City of New York, since June 1, 1947.

LOCATION: In Borough of Queens, New York City, bordering on Flushing Bay and Bowery Bay. Eight miles from mid-Manhattan.

SIZE: 650 acres.

HISTORY: Site was first occupied by Gala Amusement Park. Transformed in 1929 into a 105-acre private flying field, it was first named Glenn H. Curtiss airport and later North Beach Airport. Taken over by New York City, it was enlarged by purchase of adjoining land and by filling in 357 acres of waterfront along the east side.

Ground was broken on September 9, 1937 for a new airport, which was built jointly by the city and the Federal Works Progress Administration. It was dedicated on October 15, 1939 and was opened as LaGuardia Airfield to commercial traffic on December 2nd of that year.

In 1947, the year the airport was leased to the Port Authority, it was named LaGuardia Airport. A large new Central Terminal was opened in 1964 and enlarged in 1967.

INVESTMENT: Original construction by City of New York cost $40 million. As of June 30, 1984, the Port Authority had invested $301.2 million in development of the airport, which included $48 million from U.S. and State agencies.

EMPLOYMENT: In 1985, there were 10,339 persons employed at the airport.

PASSENGER TERMINALS: Central Terminal Building: Dedicated April 17, 1964. This terminal serves most scheduled airlines. It is 1,300 feet long and 125 feet wide, with 650,000 square feet of floor space. The $36 million, six-block-long structure consists of a four-story central section, two three-story wings, and four two-story arc fingers leading to 36 aircraft gate positions.

Eastern Airlines/Shuttle Terminal: In March, 1981, the new Shuttle Terminal was opened to the public adding eight gate positions to handle aircraft. The cost of the new terminal was approximately $25 million. Hourly shuttles are flown between New York, Washington, Boston, and Buffalo.

Eastern Airlines Commuter Terminal – Hangar 8: Upon the opening of the

Shuttle Terminal in 1981, the commuter airlines were relocated to the adjacent Hangar No. 8. The hangar, which was previously utilized for aircraft maintenance, was converted for use as a commuter airline terminal. It now serves four commuter airlines, NY Helicopter, and is operated by Eastern Airlines.

Delta Airlines Terminal: Constructed by Delta Airlines at the east end of the airport, it opened in June, 1983. The terminal has eight gate positions to handle aircraft traffic. The cost of the new terminal was approximately $86 million. Northwest and Business Express are also located in this terminal.

Marine Air Terminal: Once named the Overseas Terminal, this was the original airport terminal building, placed near the bay to serve the era's flying boats. It is two stories and domed, with an interior rotunda. It is used by commuter airlines, air taxis, private aircraft, Butler Aviation (fixed base operator) and the U.S. Weather Service. On September 18, 1980, the James Brooks mural entitled "Flight" which was originally completed in 1942 was rededicated by the Port Authority. On October 1, 1986, Pan Am opened its new shuttle operation in its new addition to the Marine Air Terminal. The new terminal section houses four aircraft gates

from which Pan Am operates hourly shuttle service to Boston and Washington.

CONTROL TOWER: The 150-foot high control tower was activated in May, 1964.

PARKING GARAGE: Completed at the end of 1976 at a cost of $30 million, the five-level structure can accommodate approximately 2,600 cars. In addition to ground level access to the Central Terminal Building, there are two elevated sheltered walkways equipped with moving sidewalks.

An alternate exist roadway leading to 94th Street and Grand Central Parkway from the Garage Plaza was completed in September, 1983. The roadway alleviated congestion on the airport roadways in the passenger loading zone areas at that time.

OTHER STRUCTURES: Fuel Storage Facility: Eight above-ground tanks and six below-grade tanks, with total capacity of approximately 5,130,000 gallons. Fuel delivered by pipeline from supply sources in Linden, New Jersey. Operations began 1975.

Nine Hangars: Used for aircraft maintenance and other purposes and Port Authority administration offices.

Police Building, including Emergency Garage. During the spring and summer of 1986, the Police Building was redesigned and underwent new construction which resulted in major

improvement including expanding office space and Emergency Garage space. This construction is expected to be completed by the end of 1986.

Other structures are the airport mail facility, air cargo, garaging, maintenance, food preparation and marine and aircraft simulation equipment.

RUNWAYS: There are two main runways, each 7,000 feet long.

In a $40 million project completed in 1967 by the Port Authority, both runways were extended over water to 7,000 feet (by 150 feet wide). The extensions are built on a 50-acre L-shaped pier ranging in width from 700 to 900 feet. The northerly 2,000 feet (by 150 feet wide) extension to Runway 4-22, complete with taxiway and holding pad, was built into Flushing Bay and opened to air traffic in March, 1966. Similarly, the 5,965 foot Runway 13-31, with its parallel taxiway, was extended westward into the Bay to 7,000 feet (by 150 feet wide) and opened to air traffic in November, 1966. Two 3,000 foot long piers were constructed beyond the ends of the runway extensions to support an Approach Lighting System with sequenced flashers. A ship channel was dredged between Rikers Island and South Brother Island to replace the channel which was closed. It is maintained by the Federal government.

Runway 4-22 – Bi-directional instrument runway has category II capability. It is grooved and is equipped with centerline and edge lighting. Takeoffs are permitted with visibility as low as 1/8 mile, and landings on Runway 22 with visibility as law as 1/4 mile. Navigational aids in the 22 approach include an Instrument Landing System (ILS), and Approach Lighting System (ALS), Touchdown Zone Lighting (TDZ), Runway End Indicated Light System (REILS), and Visual Approach Slope Indicator System (VASI). Runway 4 is equipped with an ILS and a SSALR Approach Lighting System.

Runway 13-31 – Equipped with REILS at both ends, an ILS, an Approach Lighting System (SSALR) serving Runway 13, a VASI-16 (3-bar for wide bodied aircraft) system serving Runway 31, and conventional VASI serving Runway 13. The runway is equipped with centerline and edge lighting, and is grooved for added traction during wet weather. Take-offs are permitted with visibility as low as 1/8 mile, and landings on Runway 13 with visibility less than 1/2 mile.

TAXIWAYS: The taxiway system to the east of Runway 4-22 has been reconfigured to meet clearance demands of wide-bodied aircraft, except for Taxiways

"F" and "D" between "BB" and "B", "B" between "C", "D" and "F". All taxiways are now equipped with centerline lights. Ninety percent have edge lights on turns.

Construction began in the fall of 1986 to establish a new Taxiway "CC" between Taxiway "BB" and "E" which will run parallel to Taxiway "BB". Completion is targeted for end of December, 1986.

TRAFFIC:	1948*	1981	1983	1985
Plan Movements	145,444	308,205	324,176	348,053
Passengers	2,709,178	18,146,191	18,813,397	20,406,696
Air Cargo (tons)	34,491	36,778	38,983	54,093
Air Mail (tons)	12,142	43,467	50,606	62,659

(Traffic figures reflect commercial passengers only, excluding helicopter traffic).

* First full calendar year of Port Authority Operation.

EXHIBIT 3

THE PORT AUTHORITY
OF NY & NJ
One World Trade Center
New York, N.Y. 10048

June 1986

FACT SHEET
NEWARK INTERNATIONAL AIRPORT

OPERATED BY: The Port Authority of New York and New Jersey, under a lease with the City of Newark dated March 22, 1948.

LOCATION: In Essex and Union Counties between the New Jersey Turnpike (accessible from Exits 13A and 14) and U.S. Routes 1 and 9, about 16 miles from midtown Manhattan.

SIZE: 2,300 acres, of which 880 were acquired by the Port Authority since it began operation of the airport in 1948.

OPENED: October 1, 1988.

HISTORY: The metropolitan region's first major airport was begun by the City of Newark on 68 acres of swamp, and quickly became the world's busiest commercial airport. During World War II, it was operated by the Army Air Corps. Afterward in 1947, the Port Authority assumed responsibility for operation and development. The Port Authority added an instrument runway, a new terminal building and an air cargo center. Traffic grew steadily. A large-

scale Redevelopment Program began with site preparation in 1963. Two new terminal buildings began operation in 1973; completion of a third was temporarily deferred. A new 8,200-foot Runway 4L-22R was commissioned in 1970; a rebuilt and extended (9,800 feet) Runway 4R-22L was reopened in 1973. Other new construction includes the Administration Building, Central Heating and Refrigeration Building, a new Fuel Storage Tank Farm, and new taxiways and roadways.

INVESTMENT: The City of Newark spent over $8,200,000 on construction and development of the airport; the United States Government spent over $15,100,000 prior to 1948. By year end 1984 the Port Authority had invested over $500,000,000 at the airport.

EMPLOYMENT: Approximately 12,700 people were employed at the airport in 1985.

CENTRAL TERMINAL AREA: Within a 425-acre oval arrangement are Terminals A and B; each measures 800 by 165 feet and branches out to the three satellite aircraft gate buildings. Each main building has an upper departure level with facilities for airline ticketing; a lower arrival level for airline baggage claim and ground transportation, and a ground parking level extending under the arrival and departure roadways and the main

building itself. The concourse level, for circulation and passenger service, is halfway between upper and lower levels, and contains eating facilities, retail stores and other patron services. At the circular satellites, an upper level contains flight departure rooms and airline and patron service facilities; the lower level is used for airline operations activities. There are 55 operational aircraft gates.

Now open in Terminal C, is a new International Arrivals Facility. With two aircraft gate positions and related terminal space, it houses the airport's Federal inspection services. The remainder of Terminal C is operated by PEOPLExpress.

The 14 miles of CTA roadway provide convenient access to each airline-terminal and to more than 18,500 parking spaces (airport wide) – hourly, daily and long-term reduced rate. Separate arrival and departure roads, each at an elevation corresponding to the two main levels, are tied into an express loop, to allow traffic to bypass terminals. A centralized car-rental facility is adjacent.

Ancillary facilities include a large aviation fuel storage area with a tank capacity of approximately 10,000,000 gallons, fed by an underground fuel pipeline from refineries at Linden, New Jersey.

Aircraft are supplied through an underground fuel distribution system to the terminal aprons. The Central Heating and Refrigeration Plant supplies heat, hot water and chilled water for air conditioning to the Central Terminal Area.

A first-class hotel for Newark International – completed by a Marriott Corporation has been erected on a 13-acre site in the Central Terminal area. The ten-story building has 414 rooms (expandable to 600) and banquet and convention facilities. It was officially opened in late June 1986.

The Central Terminal Area was built as part of the Newark International Airport Redevelopment Program. Site preparation began in September 1963, with construction of a wide, four-mile drainage ditch around the airport perimeter, to direct storm water from the airport and adjoining communities into Elizabeth Channel. Construction of Terminals A and B began in October 1967; their shells were completed in 1972; the airlines began operations in Terminal A on August 8, 1973, and in Terminal B in September 1973. A new 8,200-foot Runway 4L-22R was commissioned in March 1970; Runway 4R-22L, rehabilitated and extended to 9,800 feet, was reopened in August 1973.

NORTH TERMINAL:	The airport's former passenger terminal building, now called the North Terminal, was originally opened in July 1953. PEOPLExpress, and numerous supplemental carriers are now based in the 576 by 166 foot building. There are automatic baggage conveyors, coffee shop and bar, gift shop and book shop, and all other necessary patron facilities, including more than 800 hourly parking spaces directly in front of the building. Some 3,200 daily and long-term parking spaces are available in nearby Lots 2, 3 and 4.
CONTROL TOWER AREA:	Control Tower: Structure of the $1,500,000 tower was completed in July 1959. Instrumentation by the Federal Aviation Administration was completed in January 1960. Port Authority Administration Building was completed in September 1975. The $8-1/2 million, four-level modernistic structure centralizes most of the airport's staff, and houses the airport's emergency response fleet.
OTHER BUILDINGS:	Air Cargo Center: Four buildings, including three cargo terminal buildings and one cargo service building, completed for $3.4 million in December 1959. Cummins Diesel Industrial Building, completed in March 1958

United Airlines two-bay, $3 million hangar was completed in March 1958.

Also constructed since 1948 are utility, equipment and storage buildings, a flight kitchen and a fuel storage area in the northern part of the airport.

Built prior to Port Authority operation are: Air Mail and Express Building, formerly the airport administration building and passenger terminal.

Triple hangar, 1,100 by 175 feet.

Butler Aviation Hangar (for general aviation)

Medical Building

U.S. Postal Facility – A $2,600,000 Postal facility is open at NIA. This 1,010,500 square foot building contains the latest in automated mail processing equipment. It is located in the southwest corner of the airport.

Newark Turbine Service Center – Butler Aviation will build and operate the service center which will provide all services required by operators of turbine powered aircraft. It will include an expansive terminal and a complete one-stop turbine aircraft maintenance facility.

Construction of a new multi-tenant air cargo building is underway at

the site of the old fuel farm at a cost of $5.1 million. Completion of this new facility is scheduled for July 1, 1985.

Federal Express Metroplex – Federal Express is constructing a $30,000,000 Metroplex on 27-acres at the south development area of NIA. It will triple the size of Federal's present package handling installation and more than double Federal's work force at NIA.

RUNWAYS:

Runway 4R-22L: 9,800 ft. long by 150 ft. wide. It is the prime landing runway, fully instrumented for operations during Category II conditions. Runway 4R is equipped with the latest state of the art, solid-state electronics, Category II Instrument Landing System (ILS) and a full 2,400 ft., Category II configuration, Approach Lighting System with sequenced flashers (ALSF). A Category I ILS and Approach Lighting System on Runway 22L is included. There are edge, centerline and touchdown zone lighting systems, and centerline lighting on four high-speed exit taxiways. The runway is grooved for improved traction in wet weather. Take-offs are permitted with visibility as low as 1/8 mile. Runway 4R landings are conducted with visibility less than 1/4 mile, and 22L

landings with visibility less than 1/2 mile.

Runway 4L-22R: 8,200 ft. long by 150 ft. wide, commissioned in March 1970, is 950 ft. west of the parallel Runway 4R-22L. Navigational Aids include an ILS and Approach Lighting System on Runway 4L, while Runway 22R is equipped with a Visual Approach Slope Indicator System (VASI) and a Runway End Identifier Light System (REILS). It is grooved for its full length and width. Take-offs are permitted with visibility as low as 1/8 mile, 4L landings are conducted with visibility less than 1/4 mile.

Both runways have displaced thresholds to minimize noise effects. High intensity runway edge and centerline, as well as higher speed exist taxiway centerline lighting on taxiways complete the visual aids package.

Runway 11-29: 6,800 ft. long and 150 ft. wide, and equipped with VASI at both ends and REILS at Runway 29 end, and edge lights. Runway is grooved for added traction in wet weather.

TAXIWAYS: More than 12 miles of 130-foot wide taxiways, almost entirely equipped with centerline lighting, link the three runways with the central and north terminal passenger and cargo

areas. These have 25-foot, heavy duty shoulders and 22.5-foot erosion control pavement on each side.

CERTIFIED AIRLINES:
American Airlines
Continental Airlines
Delta Airlines
Eastern Airlines
Empire Airlines
Midway Airlines
Midwest Express Airlines
New York Air
Northwest Airlines
Pan American World Airways, Inc. (Helicopter Service)
PEOPLExpress, Inc.
Piedmont Airlines
Regent Air
Trans World Airlines
United Airlines
USAir
Virgin Atlantic Airways
World Airways

COMMUTER AIRLINES:
Air Virginia
Brockway Air
Holiday Airlines
Jetstream International
Mall Airways
New Air
New York Helicopter
Pennsylvania Commuter
Pocono Airlines
Precision Airlines
Ransome Airlines
Suburban Airlines (Reading Aviation)
Susquehanna Airlines

CARGO AIRLINES:	Airborne Express Federal Express Corporation Flying Tiger Line Summit Airlines Viking International Zantop International Airlines

AIR TRAFFIC:	1949*	1982	1983	1984	1985**
Plane Movements	93,463	198,453	268,186	345,171	379,738
Passengers (Commercial)	834,916	11,731,062	17,411,253	23,654,163	28,576,586
Air Cargo (tons)	40,574	122,492	179,167	227,978	274,116
Air Mail (tons)	2,891	42,306	41,573	45,670	40,914

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* First Full Calendar Year of Port Authority Operation

** Estimated

EXHIBIT 4

PORT AUTHORITY CAPITAL PROGRAM 1987-1991

Prepared by The Government, Community &
Public Affairs Dept.
THE PORT AUTHORITY OF New York & New Jersey
One World Trade Center, 68W, New York, NY 10048

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SUMMARY

The past decade has marked an impressive economic turnaround for the New York-New Jersey metropolitan area, with population, employment growth and new public and private sector development still gaining momentum. Through this pivotal era, the region has relied heavily on the efficient performance of the Port Authority's vital transportation systems and its ability to finance their renewal and improvement as state and local governments have moved from fiscal crisis to fiscal health.

To sustain and expand the benefits of regional growth, The Port Authority of New York and New Jersey has proposed to both states a comprehensive capital investment strategy to rehabilitate and expand its core transportation facilities, and to fulfill the economic development commitments proposed in 1978 when the agency responded to the need for new investment to help rekindle commercial development and infrastructure renewal in the Port District. The proposed capital program elements for the next five years total more than $5.8 billion, of which approximately $4 billion actually would be expended from 1987 through 1991, with additional spending for some projects which will not be completed until the mid-nineties.

This is a strategic agenda for an economically unified region which must address expanding local transportation needs and intensifying worldwide competition. The goals of the capital program are –

- To upgrade and expand the interstate linkages in the roadway and transit networks on which the region relies for moving people

and goods throughout the bi-state Port District:

- To expand the passenger-and cargo-handling capacity and improve the level of service at the region's airport system, responding to growing demand and emerging competition from other metropolitan aviation "gateways;"

- To modernize the terminals, channels, and related facilities of the bi-state port in light of maritime-industry changes and competition from other Atlantic coast harbors;

- To carry out the maintenance and rehabilitation projects essential to assuring safe, reliable, and efficient operation of many vital but aging Port Authority transportation facilities, generally without interrupting service.

- To stimulate private-sector investment and job creation, especially in business sectors that relate closely to the Port Authority's basic functions or that enhance the region's role as a center of world commerce, and in communities that have not yet shared fully in the region's economic renewal.

The new capital strategy incorporates and expands upon several previously announced agency capital programs including substantial renewal of the PATH system, modernization of maritime terminals and deepening of harbor channels, construction of new economic development projects in both states, and agencywide rehabilitation projects at vehicular crossings and other Port Authority facilities. The program also includes funds for

the completion of regional development and bus purchase programs undertaken pursuant to earlier agreements with the two states.

Many of the projects outlined in this summary have already been discussed publicly by the agency. Some already are underway. New initiatives proposed in this document include –

- Investment in PATH's Newark to World Trade Center service to accommodate trains up to 10 cars in length as demand warrants (8-car trains already are scheduled to be in service in 1988);

- Capital investment by the Port Authority to permit introduction of new passenger-only commuter ferry service between Hoboken and Battery Park City;

- Capital support for a new exclusive bus lane feeding the Lincoln Tunnel to relieve congestion on the existing "XBL," in conjunction with other New Jersey Transportation agencies;

- Reconfiguration of the central terminal area at JFK International Airport to improve ground circulation, baggage handling, and other services in anticipation of growing passenger volumes projected to the Year 2000;

- Commencement of comprehensive on-airport circulation improvement and parking expansion at Newark International Airport, including upgraded connections with local rail services;

- Development of additional terminal facilities at the east end of LaGuardia Airport, to

improve its ground circulation and passenger capacity.

This is the most ambitious capital program ever outlined for the Port Authority. Even so, it is but one component of an unprecedented level of public-sector infrastructure investment in both states projected for the coming decade. During this period, estimated capital investment by state and local governments and transportation Authorities may approach $60 Billion, including $8.3 billion by the Metropolitan Transportation Authority, $3.5 billion by New Jersey Transit and the New Jersey Department of Transportation, and $30 billion by the City of New York.

Unlike some of these other governmental entities, the Port Authority's system of facilities must be self-supporting and the agency does not have the power to tax, pledge the states' credit, or draw most on federal capital grant programs. While commercial tenants share in the costs of some facility improvements under lease arrangements, implementation of the program depends on availability of adequate revenues from tolls, fares, other user charges, and rents to support both operating costs and debt service on Port Authority bonds – those currently outstanding and those issued to support the capital program.

Capital Program Summary 1987-1991
(in millions)

Interstate Transportation System		
PATH Improvement Program[1]	760	
Hudson River Tunnels, Bridges & PABT System Improvement	380	
PATH Station Improvements and Additional Cars	70	
Hoboken/Battery Park City Ferry Service	150	
Staten Island Bridge Improvements[2]	65	
Holland/Lincoln Tunnel Busway	25	
Manhattan CBD Distribution Improvements	25	
		1,475
Aviation		
JFK 2000[3]	900	
Other JFK	330	
Newark 2000[4]	650	
Other Newark	210	
LaGuardia	320	
		2,410

[1] Includes expansion to 8-car trains, Newark Service, and 7-car trains, JSTC/33rd St. Service.

[2] Includes up to $20 million for preliminary stages of possible SIB Expansion

[3] Total Project Cost: $2.7 Billion

[4] Total Project Cost: $1.35 Billion

Economic Development		
Waterfront Development[5]	175	
Resource Recover	300	
Industrial Parks	75	
		550
World Trade		110
Port		
Newark & Elizabeth	250	
Howland Hook	90	
Dredging	60	
Other Projects	110	
		510
Allocation for Regional Development Projects		150
Allowance for Projects in Development		225
TOTAL		$5,430
Balance – Bus Program		50
Balance – Bank for Regional Development		235
Provision for Emergency Repairs		70
TOTAL CAPITAL PLAN		$5,785

I. INTRODUCTION

Early last year, the Port Authority reported that the agency anticipated committing more than five billion dollars in capital investments by 1991 to continue the modernization and expansion of its core transportation facilities and to continue the program of regional economic development projects already authorized by the states of New York and New Jersey.

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[5] Total Project Cost: $250 Million

After intensive analyses of regional needs and facility requirements, the Port Authority recommended to the Governors the capital investment strategies essential for providing adequate, cost-effective services fulfilling the authority's regional mandate.

This is a comprehensive capital investment agenda. It derives directly from the need to serve, sustain, and expand the strong economic growth trend now evident in most parts of the 17 – county area directly served by the Port Authority.

This growth already is taxing the capacity of vital regional transportation links operated by the agency and is underscoring the urgency of rehabilitating its oldest facilities. The surface transportation, maritime, and airport complexes operated by the Port Authority are among the region's most vital economic assets. Should they become inadequate or uncompetitive with other regions' transportation systems, the metropolitan area's growth would falter.

For the region, the Eighties have brought record employment levels, massive new commercial development in the suburbs as well as in Manhattan, and new concentrations of residential development in both states. The region has strengthened its position as a corporate headquarters, a world financial capital, and an incubator of growth companies in many business sectors.

At the Port Authority's diverse facilities, these gains have translated into successive annual record in traffic at its vehicular crossings, full use of its public transit facilities during commuting hours and record volumes of airport use and port cargo tonnage.

The Port Authority, business observers, and other analysts foresee continued gains in the regional economy – attended by further growth in use of Port Authority facilities – through the decade and perhaps beyond. Another trend gathering momentum is the increasing economic integration of the bi-state metropolitan area, broadening the labor, land, and market base of the region's private sector economy.

However, the region and the Port Authority quickly could become the victims of their own economic success, and of the aggressive efforts of other regions to capture the New York-New Jersey metropolitan area's pre-eminent share of the nation's commercial and transportation activity.

Parts of the trans-Hudson roadway system have reached capacity during peak periods, and the PATH Newark-Lower Manhattan service and Lincoln Tunnel-exclusive bus lane systems are at capacity during the peak hour. Congestion on roadways and crossings is impeding efficient trucking services, on which the region relies for virtually all its good-movement needs. These systems cannot absorb forecast growth in trans-Hudson demand to 1990 without additional peak period capacity, especially on transit service.

The Port Authority's Staten Island-to-New Jersey crossings, while not yet exhibiting the degree of chronic peak-period congestion of the trans-Hudson crossings, are showing very strong traffic growth. These bridges serve rapidly growing local needs on Staten Island and in central New Jersey, as well as a larger regional market.

Economic and traffic forecasts point toward future congestion problems on this system.

In 1986, costs exceeded revenues by an estimated $85 million on the Port Authority's Trans-Hudson system, which includes the six vehicular crossings, PATH, several terminal facilities, and the agency's bus program. At present toll and fare levels, operating losses on the system are projected to continue and grow despite some anticipated growth in patronage. Increasing maintenance and operating costs account for this trend.

JFK and LaGuardia airports are handling twice the passenger levels for which they were designed, and Newark has become the nation's fastest growing major airport. On-airport circulation and off-airport ground connections are inadequate at all three facilities. Meanwhile, competing air gateways are emerging as airline industry changes and multi-billion dollar airport investments in other regions threaten this area's long-term dominance as an international air hub.

The bi-state port, in an era of transportation deregulation and heightened competition, faces similar challenges. The containerport facilities pioneered by the Port Authority here are more than 20 years old and not fully suited to the needs of larger new vessels and a transformed maritime industry as compared with newer facilities served by deeper channels being developed in other Atlantic ports with the explicit goal of capturing cargo that now moves through this harbor. Inadequate depths in port channels here already are circumscribing operations of larger vessels.

Finally, the region's resurgence may be undercut by the persistence of economic decay and high unemployment in some of its older communities, even as its Manhattan commercial core and outer suburbs begin to exhaust their resources of available land and labor force in the years ahead. The Port Authority's existing facilities and development plans are heavily concentrated in these distressed areas.

The Port Authority, with a unique regional role and perspective, has identified an extensive agenda of potential capital investments to address these compelling needs. The capital strategy it has proposed to the two states reflects a single agenda for an economically unified region. Consistent with existing state authorizations, it focuses on the modernization and selective expansion of the agency's core transportation facilities in both states.

This is an ambitious program. In terms of passenger volume, the proposed investments in the region's three major airports are roughly equivalent to building a major international airport from scratch. The new Trans-Hudson transit initiatives add the substantial peak-period capacity needed to stave off regional gridlock. The unprecedented investment in harbor channel dredging responds to changing Federal policies and is an essential complement to the extensive modernization of the port's largest containerized cargo-handling facilities. The economic development projects are breakthrough investments on under-utilized sites.

Timely and cost-effective implementation of the program depends upon cooperation from elected officials, state agencies, localities, other public authorities, and

regional business and labor leaders. The project plans include attention to improved safety and security, patron and community concerns, sensitivity to environmental quality issues, and new approaches to leveraging local economic benefit for communities and residents throughout the region.

Port Authority capital planning reflects long-range forecasts, interagency consultation, and periodic revisions in the number, scale, schedule and cost estimates of its projects as changing conditions sometimes require. The overall program, portions of which already have been announced, is reviewed in this summary for each major business area of Port Authority operations.

II. SUPPORTING REGIONAL DEVELOPMENT: THE PORT AUTHORITY MISSION

The Port Authority of New York and New Jersey, chartered in 1921 under an interstate legislative compact, has provided the framework for cooperative development of vital regional transportation systems that serve residents and businesses in both states. Through its 65-year history, it has pioneered transportation innovations that have supported the region's emergence as the nation's preeminent metropolitan area and a world capital of commerce.

The agency's charter defines its operating area as a Port District whose boundaries approximate a circle 25 miles in radius centered on the Statue of Liberty and including all or part of 17 counties in both states. The agency is led by a 12-member Board of Commissioners, six appointed by each Governor. Annual agency budgets

are subject to review and approval of the Governors, and the bi-state compact, subsequent legislative authorizations, and bond covenants outline the powers and limits of the authority.

Beginning with the tasks of expanding interstate vehicular transportation connections and coordinating port development, the agency has taken on at the states' direction development of a regional airport system, facilities to serve interstate commerce, specific public transportation services and facilities, and, most recently, targeted economic development and infrastructure renewal projects.

The agency has functioned by statute on a self-financing basis, first selling bonds supported by individual projects, later shifting to bonds backed by consolidated revenues from its facilities and operations. This has enabled the agency to expand the region's transportation and commercial infrastructure by marshalling the potential of its existing revenue-producing facilities to meet successive regional development needs. Expansion into new business areas as directed by the two states has been feasible without taxpayer subsidy. Consistent financing of repair and expansion at older facilities has been undertaken as conditions have required.

The agency's interstate transportation network – the Trans-Hudson system – includes the Holland and Lincoln Tunnels and the George Washington Bridge crossing the Hudson, the Bayonne and Goethals Bridges and Outerbridge Crossing linking Staten Island with New Jersey, the PATH rail transit system, the Port Authority Bus Terminal, George Washington Bridge Bus Station, Journal

Square Transportation Center, and other support facilities.

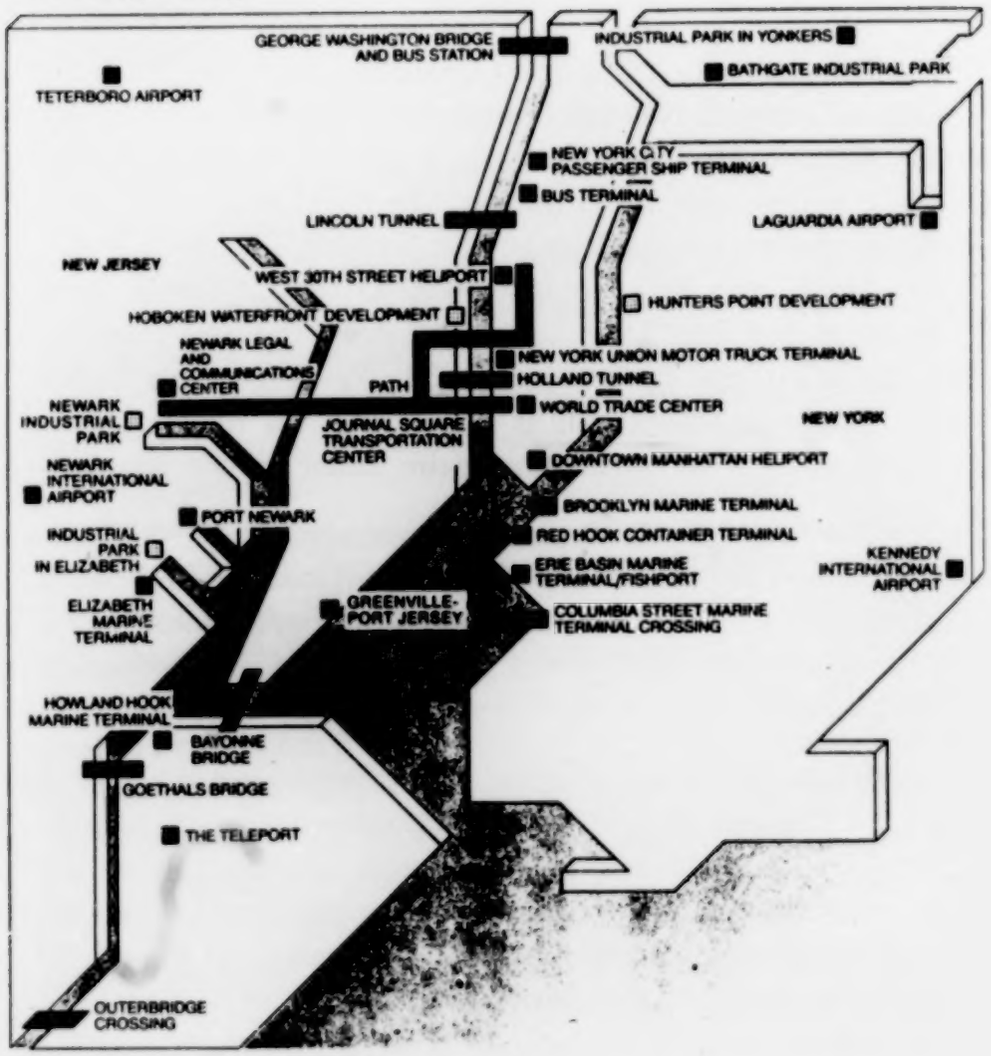
The authority's Aviation Department operates JFK International Airport; Newark International Airport; and LaGuardia Airport; Teterboro Airport, a general aviation facility; and two heliports in Manhattan. The Port Department operates containerport facilities at Port Newark, Elizabeth, Howland Hook, and Red Hook, as well as the Columbia Street Terminal and Erie Basin Terminal (site of the new Fishport) in Brooklyn, and the New York City Passenger Ship Terminal. The department also is supporting rail freight system improvements in partnership with other public agencies.

The World Trade Department operates the World Trade Center, and is constructing the Teleport complex on Staten Island and the Newark Legal and Communications Center. The department also works here and abroad to stimulate international trade, a mainstay of regional economy.

The newest Port Authority operating unit is the Economic Development Department whose project responsibilities include the Bathgate and Yonkers Industrial Parks already in operation, and subsequent industrial development projects planned or under development including the Port Authority Industrial Park at Elizabeth, an industrial part in Newark's South Ward, waterfront development projects in Queens and Hoboken, and a planned resource recovery facility in Essex County.

The Port Authority owns many of its facility sites, but operates the three major airports and some other facilities under lease agreements with host municipalities which provide for revenue sharing or in lieu of tax payments to local governments.

Facility Map



III. CAPITAL PROGRAM BY BUSINESS AREA

The proposed capital program concentrates the Port Authority's self-financing capabilities and public works construction skills on a comprehensive project agenda that addresses regional needs for each basic transportation mission assigned to the agency by New York and New Jersey, and fulfillment of funding commitments to other transportation and development investments targeted by the states.

Subject to agreement with the states on a financing plan incorporating additional revenue sources from the agency's own operations, the Port Authority plans to undertake capital project commitments totalling approximately $5.8 billion over the next five years, during which actual expenditures of nearly $4 billion are projected. These commitments include initial costs for major projects that will require additional spending for completion in the next decade.

Some of these projects require additional analysis and development; many require further review by other local, state, and federal agencies. Work at existing facilities generally must be programmed around their continuing operation through the construction period. Arrangements with commercial tenants or private investment partners must be concluded in some cases. The overall financing and construction schedule takes these factors into account.

Here is a review of the program by business area, including project investments by facility, their relationship to regional transportation and development needs,

and present cost estimates consistent with the status of each referenced project.

A. INTERSTATE TRANSPORTATION NETWORK

New Yorkers and New Jerseyans share a vital stake in the maintenance of an efficient Trans-Hudson transportation system adequate to the region's growing need for moving goods and people within the metropolitan area.

The agency's Rail Transportation Department operates the PATH system, and its Tunnels, Bridges & Terminals Department operates the vehicular crossings and related facilities. In recent years, the agency completed an expansion of the Port Authority Bus Terminal, began a major rehabilitation of the PATH system, and undertook many other facility and operational renovations to sustain vehicular and transit operations on these essential interstate links.

Despite these measures, brisk economic expansion on both sides of the Hudson is threatening to overwhelm key elements of the region's roadway and transit network, and overcoming this danger has been a central focus of the Port Authority's transportation planning and interagency relations in recent years.

Trans-Hudson weekday morning eastbound commutation has been growing at the approximately 3 percent annual rate overall predicted by the Port Authority, and the agency anticipates that more than 40,000 additional commuters from New Jersey and New York's west-of-Hudson metropolitan-area counties may be using the network by 1990. Reverse commuting by New Yorkers is

expected to grow as well, and interstate delivery of goods and services by truck is an increasing factor in the regional roadway picture.

Like other public agencies, the Port Authority is reconstructing older transit and roadway facilities and searching for affordable, attractive, and environmentally acceptable means of expanding capacity to meet demand. The agency has recommended a cooperative bi-state effort to expand transit services as the only practical approach to meeting Trans-Hudson peak-period demand over the next decade. Manhattan streets, the Port Authority tunnels, and some key New Jersey feeder roadways already are extremely congested during peak commuting hours. Chronic traffic delays, contrasted with steady improvement of some transit alternatives, have resulted in transit's absorption of virtually all the growth in Trans-Hudson commutation over the past year. Existing transit systems to and across the Hudson have significant potential for expansion of passenger-handling capacity. Port Authority capital plans therefore focus on creating expanded and more flexible transit services as the best means of serving the entire Trans-Hudson market.

New Initiatives: Trans-Hudson Capacity Expansion

Though most Trans-Hudson system facilities and services are straining with growing demand during commuter hours, the Lower Manhattan market poses special problems because of its heavy dependence on a single system – PATH and the connecting NJ Transit commuter-rail lines at Newark and Hoboken – and uncertainties about distribution of forecast demand growth across this fixed-

rail system. The Port Authority program provides for investments that will create substantial and flexible new capacity sufficient to handle expected demand into the early years of the next century.

The PATH system from Newark and Hoboken to the World Trade Center carries 47,000 people during the peak period; some 44,000 remain in the downtown area and account for 94 percent of all Trans-Hudson commuters bound for Lower Manhattan. PATH has experienced dramatic increases in ridership since 1980, creating crowded conditions, particularly on the Newark service. Additional PATH cars already on order will be arriving over the next two years to provide an increase from 7 to 8 car trains from Newark. These are part of the major PATH improvement program already underway (see below).

Nevertheless, projected demand is expected to exceed even this added capacity on the Newark service and existing Hoboken PATH capacity by 1990. Anticipated Hudson County waterfront development will add another layer of demand to these services which is difficult to forecast confidently at this time. To meet future peak-period demand additional, flexible transit capacity is needed which is expandable through the Nineties and beyond if necessary. The Port Authority capital program addresses this need through a proposed Hoboken-to-Lower Manhattan passenger ferry service and further investment to expand capacity of the Newark-to-World Trade Center PATH line, coupled with a commitment by New Jersey Transit to add the capability of shifting some commuter rail service between its Hoboken and Newark terminals.

Hoboken/Battery Park City Ferry Service

Passenger-only commuter ferry service offers a real opportunity to add substantial and flexible new Trans-Hudson capacity for the Lower Manhattan market in time to meet expected growth in demand. After extensive analysis of potential routes and services, the Port Authority capital program provides more than $150 million in capital investment over the next five years to create a modern ferry service linking the commuter rail hub at Hoboken with Lower Manhattan at Battery Park City.

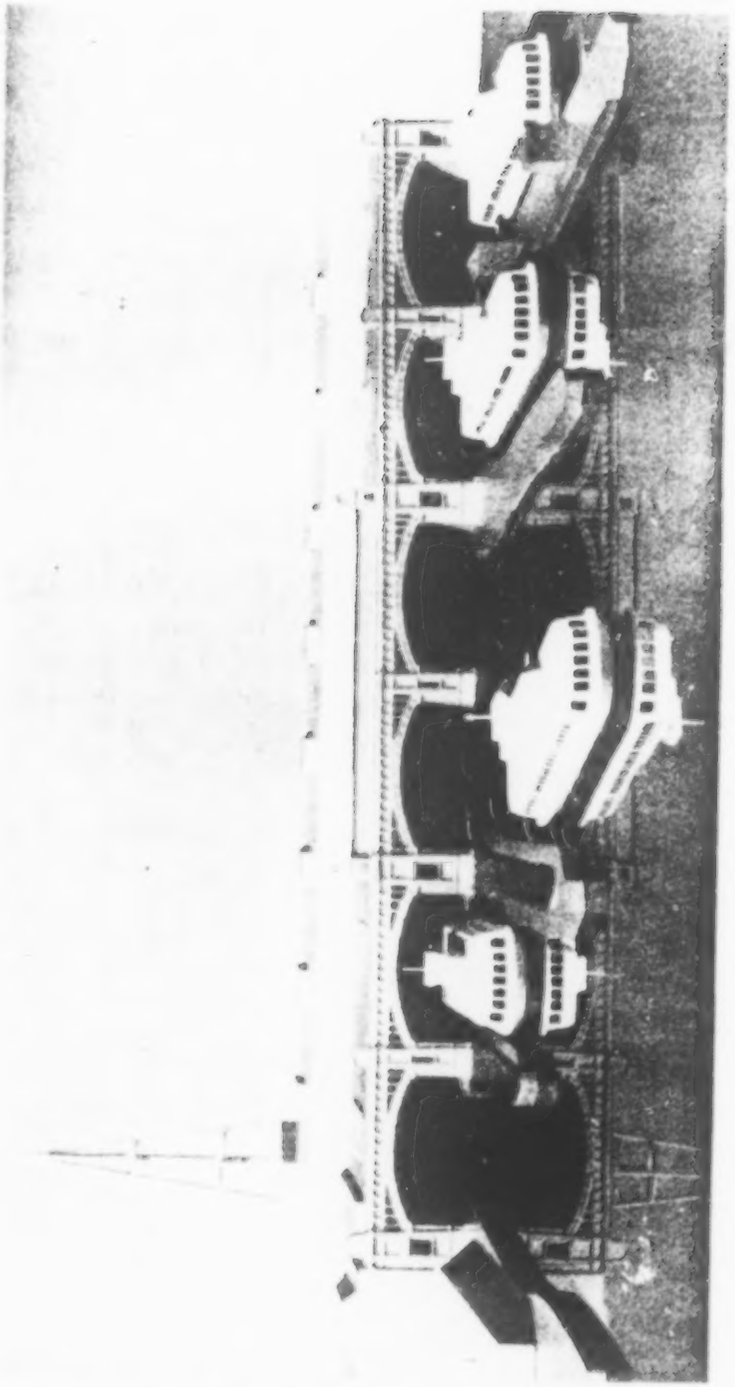
Though some operating issues remain to be resolved, current plans call for a four-vessel service with an initial peak-hour capacity of 4,500 passengers. Fare levels would reflect the ferries' role as an element of the mass transit system. Service would be provided only during morning and evening commuting hours, with vessels designed to facilitate off-peak chartering that could offset in part projected deficits of the ferry operation. Potential for private-sector involvement would be evaluated intensively as planning on the system proceeds.

Newark PATH Service Capacity Expansion

The capital program also provides for additional infrastructure investment in the PATH Newark-to-World Trade Center service to permit eventual use of trains up to ten cars in length, and additional PATH car purchases in the five-year program to run nine-car trains on this line. This is in addition to the scheduled expansion of Newark-WTC service from 7- to 8- car trains in 1988 under the PATH capital program already announced and also provided for in the five-year plan.

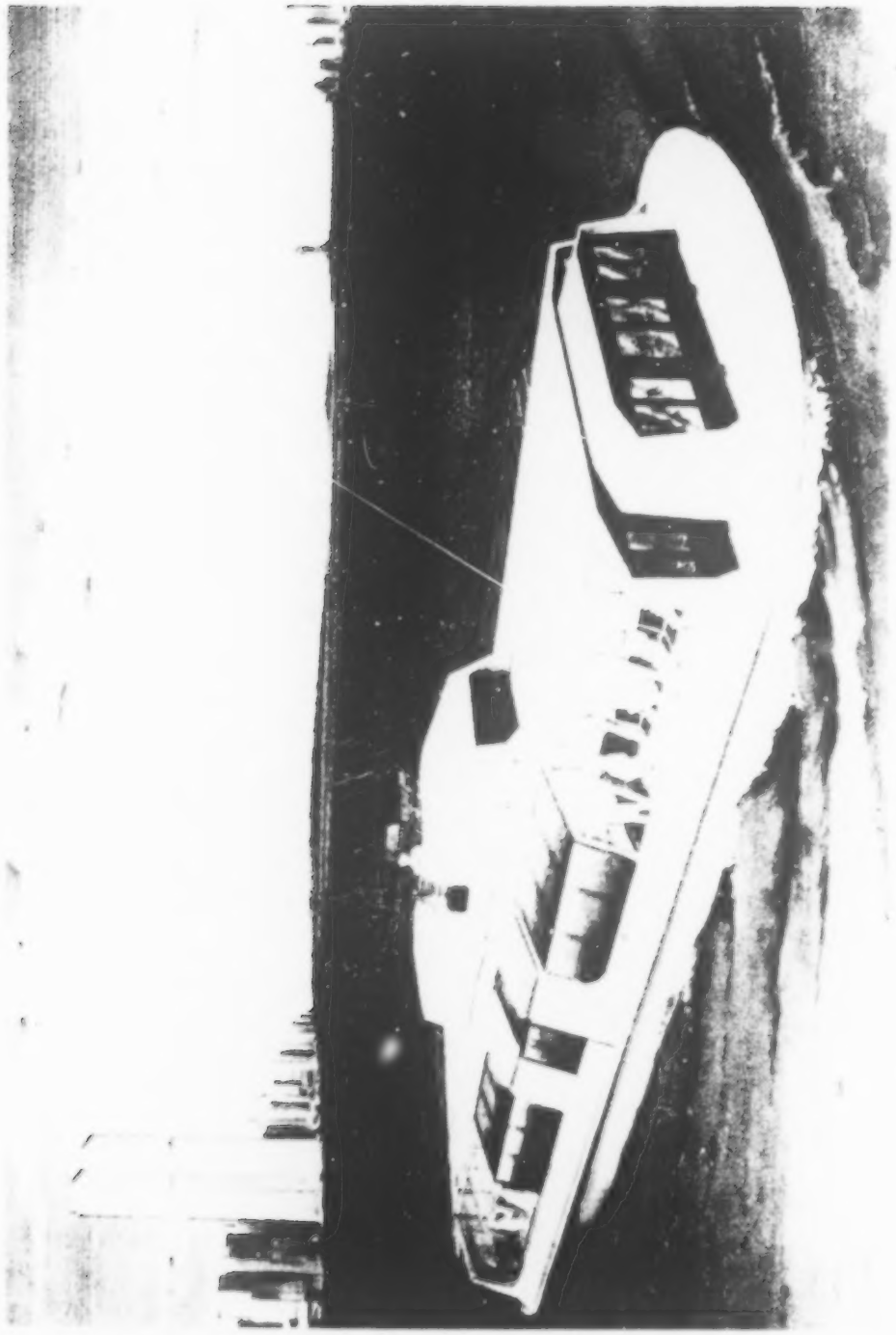
The additional proposed investment in the Newark-WTC PATH service can be accomplished at an estimated cost of about $70 million, including approximately $50 million in additional car purchases to allow the addition of the ninth car and at least $20 million in station reconstruction. Station platforms would be lengthened at the Harrison and Grove Street stations to accept 10-car trains. Ventilation, exit, and other modifications would be made at the Exchange Place Station. The 33rd Street station would be altered to accept 10-car trains during emergency diversions.

To complement the new Port Authority ferry and PATH Newark line investments, New Jersey Transit is to construct and operate a rail line – the proposed "Reverse Kearny connection" – which would permit some New Jersey Transit commuter trains now terminating at Newark to continue on to Hoboken where passengers would transfer either to PATH or the ferry service. In combination, the Port Authority and NJT projects create the capacity for staged expansion to meet projected demand levels through the Nineties beyond the year 2000.



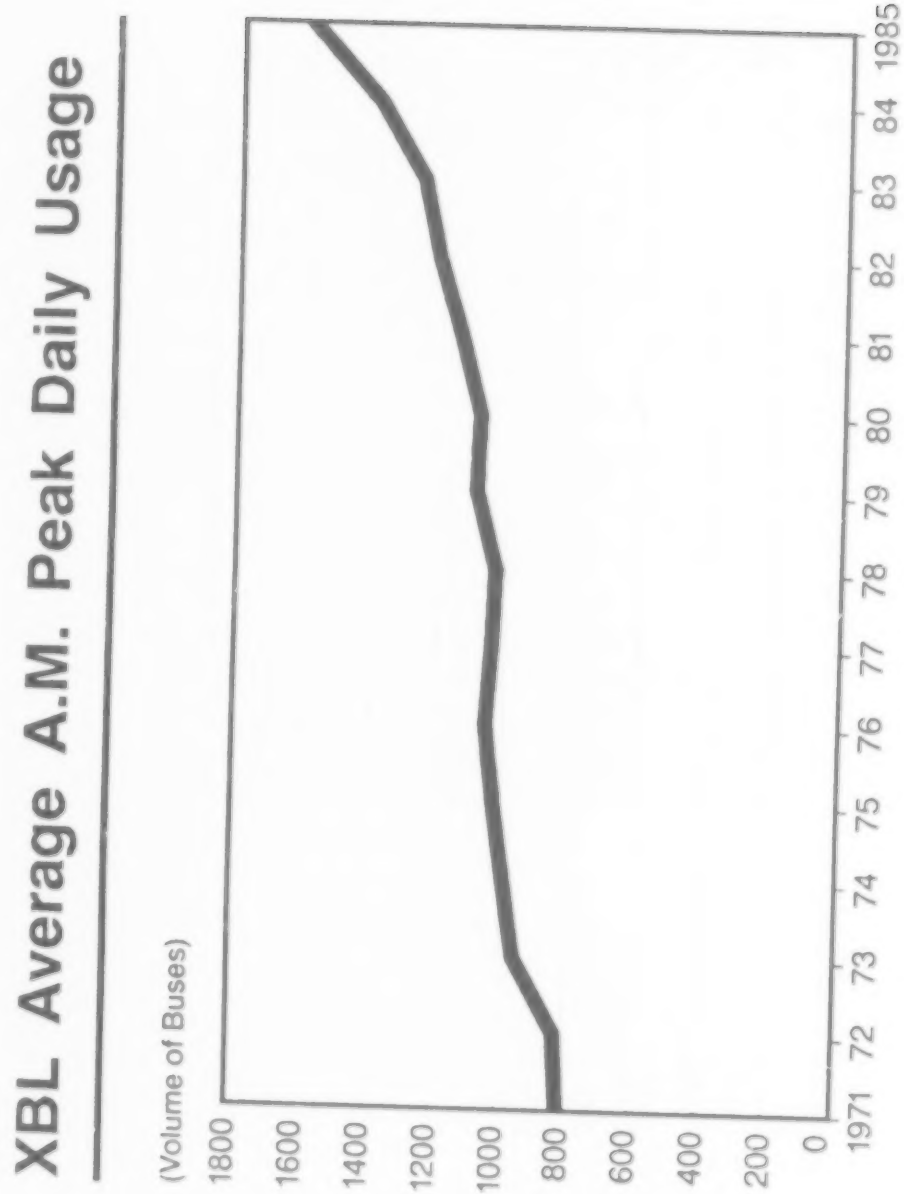
Model illustrates proposed ferry operation at existing Hoboken Terminal.

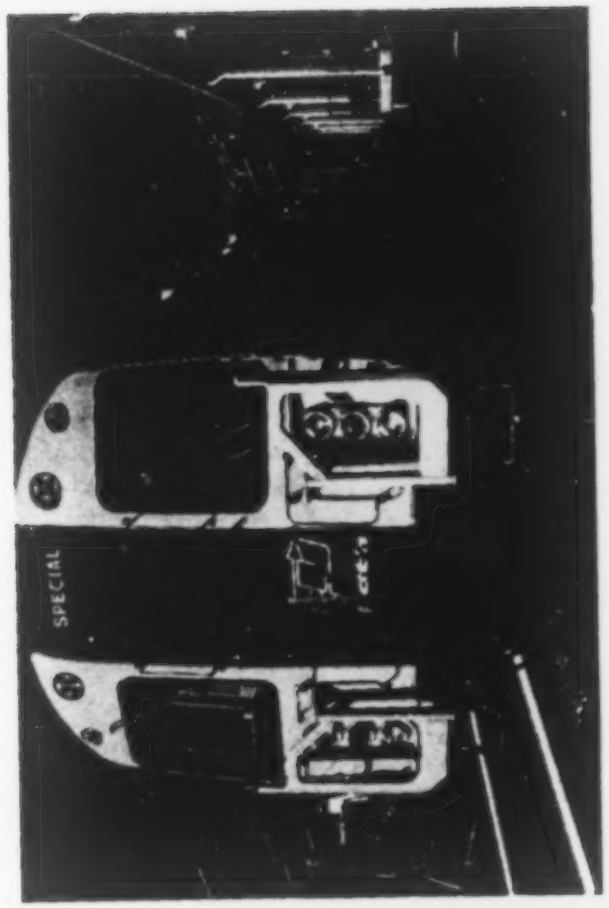
(preliminary rendering).



Current plans provide for a fleet of modern ferries specially designed for the Hudson River service.

(preliminary rendering).





PATH and the Exclusive Bus Lane System together carry half of Manhattan-bound commuters. Relief is needed on the congested XBL to cope with recent growth. PATH is replacing or renewing its entire fleet, with new cars already arriving.

Hudson Busway & Manhattan Improvements

The Exclusive Bus Lane (XBL) approach to the Lincoln Tunnel, a westbound lane reserved for eastbound buses in the morning peak period, is over capacity now, carrying more than 65,000 people in 1,700 buses daily, up from 1,200 buses in 1980. This unique bus feeder system, designed to give bus users a major travel time advantage over motorists, carries more people in the morning than any other single component of the Trans-Hudson system. The success of this 16-year-old transit operation, the need to relieve the current peak-hour (7:45 - 8:45am) capacity problem, and to provide for a substantial projected increase in bus demand to Midtown, has prompted intensive efforts by NJ Transit, NJDOT and the Port Authority to find another long-term exclusive bus access route to the tunnel. Most of these buses are destined to the Port Authority Bus Terminal in Midtown.

One promising option now under study is a 2.2 mile Hudson busway on available railroad right-of-way in Hudson County, connected to the Hudson County extension of the NJ Turnpike at its southern end and an approach to the Lincoln Tunnel at the northern end. This connection is feasible and could be constructed and in interim operation within four years, assuming full cooperation of all parties and an expedited project schedule. Further consultation with municipalities on the route is also planned.

This new bus feeder system could efficiently handle the buses bound for the Lincoln Tunnel during the peak hour from central and shore counties in New Jersey. This project would relieve the XBL operation which would

then be able to handle more efficiently buses from northern and western counties and provide for additional bus capacity. Estimated cost of construction of the Busway is $75-100 million, proposed to be shared by the Port Authority, State of New Jersey and the NJ Turnpike Authority. The five-year capital program provides approximately $25 million as the Port Authority share of the project cost.

The Hudson busway would preserve a substantial travel-time advantage for Midtown-bound bus commuters over motorists, and would maintain the bus option as an attractive means of serving anticipated growth in Trans-Hudson Midtown demand.

Focusing on Manhattan itself, the Port Authority is working with New York City and State transportation agencies, the Metropolitan Transportation Authority, and others to assess opportunities for improving the distribution of people and vehicles, especially from Trans-Hudson facilities. The five-year capital program allocates approximately $25 million in Port Authority support for this effort, with the specific application of these funds to be determined as interagency planning on transit and traffic issues proceeds.

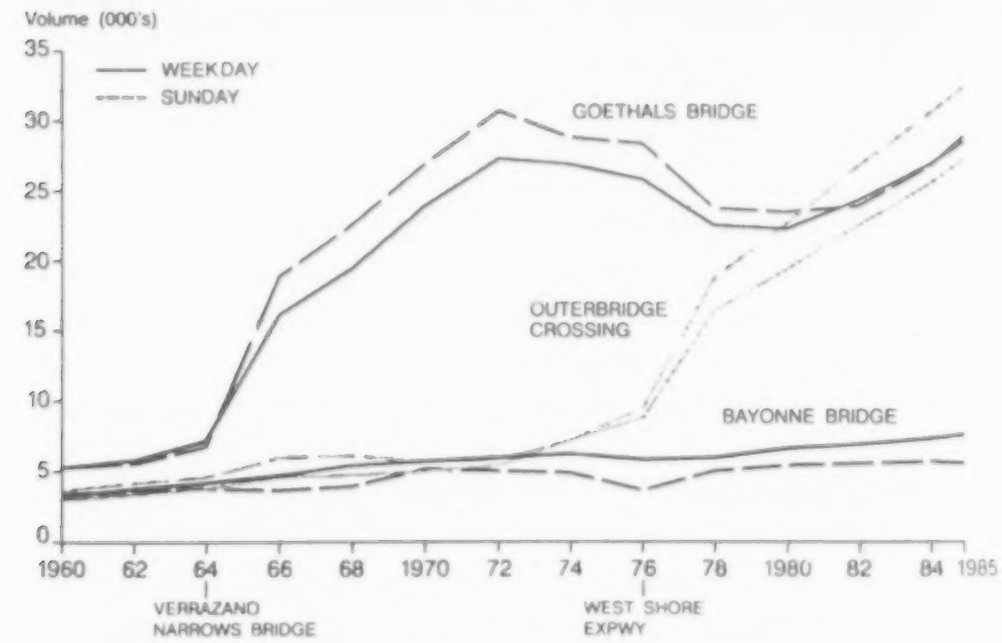
Other analyses underway by the Port Authority and public agencies in both states are expected to identify further incremental improvements in service and capacity on the Trans-Hudson network, especially for the Midtown market. The capital program's allowance for projects in study and development includes additional capital to help implement other Trans-Hudson congestion

relief and capacity improvements as viable projects emerge from the studies now in progress.

Planning for Expanded Capacity on the Staten Island Bridges System

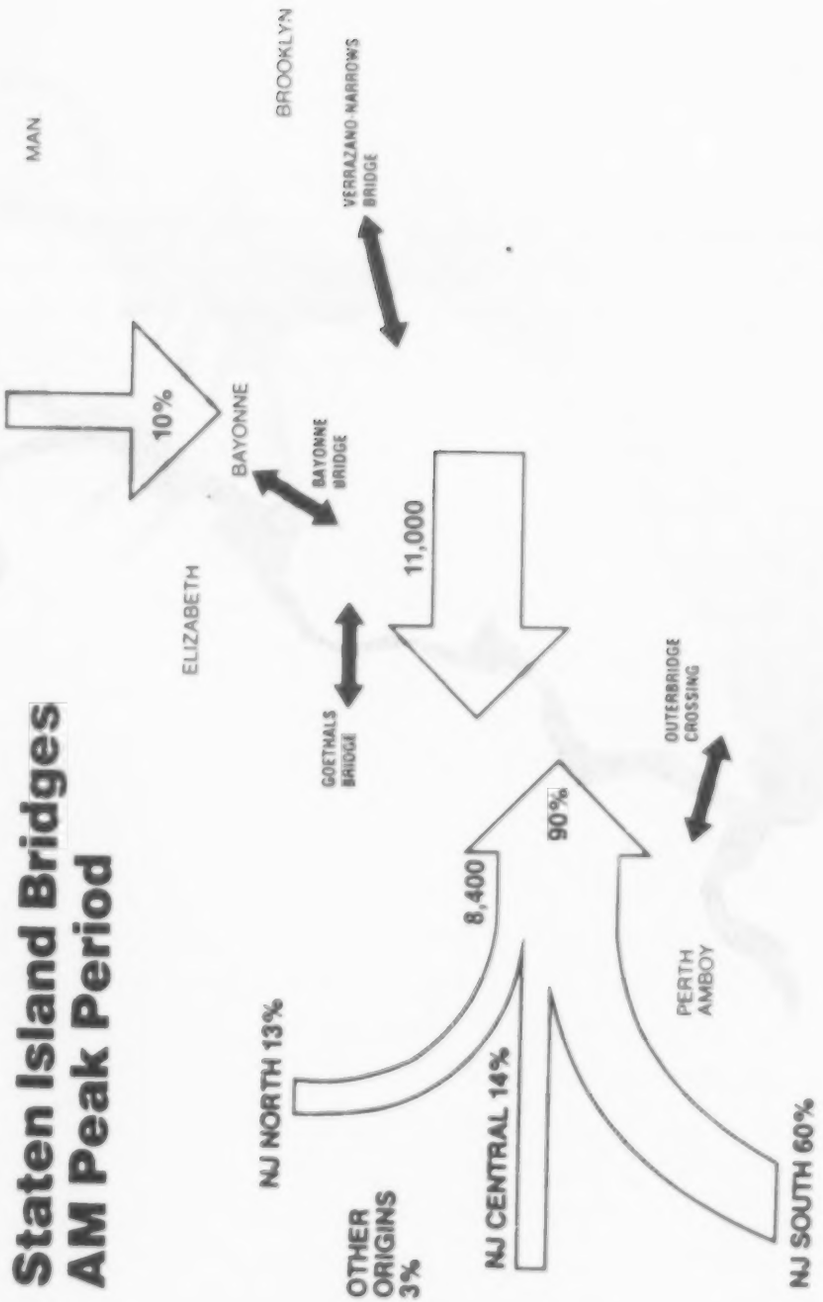
The three bridges connecting Staten Island with Union, Middlesex, and Hudson counties are the oldest facilities constructed by Port Authority. They now consistently are outpacing the Trans-Hudson vehicular crossings in annual traffic growth (5.8% v. 4.4% in 1985), with most of the increase concentrated at the Goethals Bridge and Outerbridge Crossing. Use of the Staten Island bridges grew 56% between 1978 and 1984, and the SIB crossings together now carry more vehicles than either the Lincoln or Holland Tunnels.

STATEN ISLAND BRIDGES
Average Daily Traffic – Eastbound (1960 – 1985)



SIB System: Aging Facilities Serve Growing Market

Traffic volumes have grown rapidly on the Outerbridge and Goethals, reflecting brisk local economic expansion.



SIB System: Aging Facilities Serve Growing Market

Port Authority motorist surveys reveal that most SIB commuters are traveling to jobs on S.I. or nearby N.J. counties.

This striking growth is closely tied to population and job gains on Staten Island itself and in the surrounding areas of New Jersey. Port Authority origin and destination surveys show that fully half of the trips taken across these crossings begin or end on Staten Island. The strongest weekday flow is from Staten Island to various New Jersey points within easy highway reach of the Staten Island bridges. This flow is projected to grow as Staten Island's labor force growth is expected to outpace job increases in the borough and residents increasingly take advantage of employment opportunities in New Jersey. A major component of the bridges' truck activity is destined for northwest Staten Island.

The growing local and regional importance of this system underscores the functional problems of these old facilities. The central steel spans of the Goethals and Outerbridge permit only 10-foot land widths, fully two feet below current Federal design standards. Higher traffic volumes and increasing use of wider trucks foreshadow increasing traffic pressure at these facilities.

Last year, the Port Authority spotlighted these problems in announcing a comprehensive study of the Staten Island Bridges system. That assessment, now nearing completion, will review short-range options for improving the level of service at these facilities – including bus service promotion if market potential exists – and will evaluate the costs and benefits of options for expanding the system to meet the needs of the communities serviced by these facilities. Erection of a twin structure paralleling the Goethals or the Outerbridge is the most readily apparent option, although the selection of the preferred site and the time frame in which expansion would be

needed await completion of the current study and evaluation by the Port Authority, transportation agencies and public officials in both states.

Though the five-year capital program does not provide funds for actual construction of an expanded facility, the agency recognized the need to begin allocating capital in preparation for a major investment of some kind in this vital system. The capital program allocates $20 million for start-up costs associated with this project over the next five years, in addition to rehabilitation expenditures provided for the existing facilities.

Completing the PATH Rehabilitation Program

The newly proposed expansion investment for the Newark service is an addition to PATH's extensive capital program, now well underway, which provides for replacement or rehabilitation of the entire car fleet, improved rider comfort and safety and refurbishing of shops, yards and electrical systems. These improvements will assure the PATH riders a comfortable, safe and smooth ride. The estimated 1987-1991 cost of the previously announced PATH improvement program is $760 million, some of which already has been committed.

Exclusive of the new Newark service proposed expansion, PATH is purchasing 95 new cars to modernize and expand its fleet and is rehabilitating 248 cars that date from the 1960s. These new-car purchases will make possible the expansion of the Newark-to-World Trade Center service from 7 to 8 cars and the Journal Square-to-33rd St. service from 5 to 7 cars. Components will be replaced on the older cars to insure safe and reliable

operation until new or rehabilitated cars arrive. PATH has committed $180 million to this car program.

Planning is underway for a new PATH car maintenance facility in Harrison. The new shop and yard will replace one that opened in 1910. It is operating beyond its capacity, has outmoded shop facilities, constrained rail access and inadequate storage space. The new shop will be equipped with modern equipment, and the yard will contain more car storage area and be more accessible. The estimated cost of the facility is approximately $200 million.

Safety-related projects include the installation of tunnel emergency ventilation structures and standpipe systems that will enhance safety response and fire protection. New and/or relocated switching and power stations and upgraded electrical distribution and power systems are planned to refurbish or replace aging electrical systems, making PATH more reliable and efficient. Improvements to the signal system, now in its eight decade, will enhance PATH's safety and efficiency. Track replacement is also slated along the right-of-way. In addition, the lift bridge over the Hackensack River, a chronic source of service delays, is being rehabilitated. The estimated cost of all these improvements is $290 million.

A PATH Station Improvement Program will alleviate congestion at some existing stations and include the renovation of cramped and outmoded facilities. The Exchange Place Station is to be rebuilt. New platforms, signs, lighting and wall surfaces will be installed at other stations along the PATH system. Added stairs and escalators are planned for the World Trade Center terminal. An

improved fare collection system is planned. The estimated cost of the station work is $90 million.

Tunnels, Bridges and Terminals:
Maintaining Safe and Efficient Operations

For the agency's Tunnels, Bridges and Terminals Department, the primary capital program objective is to maintain and enhance the structural integrity of its aging facilities and maintain standards of safety and comfort for their patrons. Since the vehicular crossings and terminals are vital to the everyday movement of people and goods, these projects generally must be accomplished without taking the facilities out of operation for extended periods. The program includes some work at virtually every facility operated by the department.

At the **Lincoln Tunnel,** the Port Authority plans to rehabilitate bridges over the tunnel's New York approaches, replace concrete roadway slabs on ramps used by buses and replace or patch ceiling tiles inside the tunnel, all of which will improve the facility's structural integrity and increase patron safety. The agency is also planning the replacement of toll booths, rehabilitation of the toll plaza and the expansion of the tunnel administration building. A supervisory control system and a computer system that can monitor tunnel fans, pumps, valves and other operating instruments is also planned. Such a system improves emergency response capability and allows quick adjustment to cope with changes in the tunnel environment, benefiting driver comfort. The estimated cost of these and other proposed improvements at the Lincoln Tunnel is approximately $140 million.

Ceilings, lighting systems, curbs, drains and traffic signals in both tubes of the **Holland Tunnel** are being replaced. The agency plans to redevelop the Holland Tunnel toll plaza and adjacent property to permit smoother traffic flow in light of ongoing development in the area. Curbs and drains inside the tunnel will be removed and replaced as well. The estimated cost is $115 million.

At the **George Washington Bridge,** ceilings above the Trans-Manhattan Expressway are being inspected and replaced where necessary and granite fascia panels at the anchorage of the main support cable are being replaced. Planned projects include the replacement of inspection and maintenance platforms on the underside of the bridge and the rehabilitation of concrete roadways and associated steel bearings at various spots on the bridge. Approximately $55 million is to be allocated to these projects.

Trans—Hudson Network
Capital Requirements – Maintenance of Present System
1987-1991

PATH		
Cars	$180 million	
Shops & Yards	200 million	
Safety Program	120 million	
Electrical Program	95 million	
Station Program	90 million	
Miscellaneous	75 million	
Total		$760 million
TB&T		
Holland Tunnel	$115 million	
Lincoln Tunnel	140 million	
Staten Island Bridges	65 million	
George Washington Bridge	55 million	
Port Authority Bus Terminal	55 million	
Multi-facility Projects	15 million	
Total	445 million	
TOTAL		$1,205 million

The **Staten Island Bridges** have a number of rehabilitation projects underway or planned. The Port Authority is rehabilitating the concrete deck of the Outerbridge Crossing and replacing the pavement. In addition, the agency plans to use funds made available by the 1984 toll increases to supplement work done by the State of New Jersey on the Route 169 project. Direct connections will be constructed to the Bayonne Bridge from New Jersey Route 169 and the bridge's viaduct will be

widened. Toll booths serving the Goethals Bridge will also be replaced. The total estimated cost of these projects is $65 million, including an allocation of up to $20 million for initial costs associated with preparations for expansion of the SIB system beyond the forecast period ending in 1991.

The exterior of the **Port Authority Bus Terminal** along 40th and 41st Streets and Ninth Avenue will be repaired and refurbished, the passenger unloading platforms will be modernized, additional tenant areas will be developed and building systems will be renovated. The Port Authority plans to restore exterior walls, rehabilitate parking level floor decks and participate in the construction of a pedestrian bridge to the east side of Eighth Avenue as part of the 42nd St. redevelopment project. Estimated cost: $55 million.

The Port Authority will install a traffic diversion sign system at bridge and tunnel crossings to alert motorists of construction or emergency delays and will improve revenue collection equipment. The estimated cost of these projects is $15 million.

B. AVIATION

The region's system of three major airports is the world's busiest metropolitan aviation complex. John F. Kennedy International Airport handled 29 million passengers in 1985 while more than 20 million people passed through LaGuardia. Newark International, the fastest growing airport in the United States, handled 29 million passengers in 1985. Passenger volumes are expected to rise even

further by 1990, with Kennedy handling 35 million people, LaGuardia 25 million and Newark 40 million. This regional aviation complex also is the nation's air cargo capital, and substantial tonnage increases are projected as well during this period.

As part of an ongoing effort to keep pace with rapid changes in the airline industry, the Port Authority has steadily improved its airport facilities. An extensive construction and rehabilitation program at Newark International Airport, lasting through the 1970s and into this decade, created new terminal and access facilities that positioned the region to take advantage of the emergence of new discount air service "hubs" that followed industry deregulation. Development of an on-airport hotel increased Newark's attractiveness to business travelers. The construction of two new terminals at LaGuardia Airport increased its efficiency and expanded terminal capacity.

The aviation industry supported by these three airports is among this region's most potent economic assets. The industry directly and indirectly employs nearly 300,000 people, generates nearly $19 billion in economic activity, $6.2 billion in wages and salaries, $3 billion in business income and $600 million in regional taxes. The industry, which includes a wide range of activities throughout the metropolitan area, accounts for 3.5 percent of the gross regional product.

This region's primacy as the nation's predominant aviation "gateway," or international air service hub, provides an important competitive advantage over many

other metropolitan areas, some of which are making billion-dollar-plus investments in new or expanded regional airports which could become competitors with the New York-New Jersey metropolitan area, especially in an era of volatile changes in domestic and international aviation and introduction of new longer-range commercial aircraft. Boston, Chicago, and Denver have airport and airport-access work getting underway to enhance their gateway status. Los Angeles and Dallas-Fort Worth have emerged as attractive gateways with recently completed airport redevelopment projects.

The agency must respond to rapidly increasing passenger demand and these new competitive challenges by expanding the physical capacity of each airport and by increasing its operating efficiency. Ground access approaches and on-airport circulation must be improved and passenger and cargo terminals enlarged, expanded and modernized. The quality of service to patrons must also be enhanced through improved passenger assistance, added terminal and cargo area security, more efficient cargo processing and smoother check-in procedures. These improvements will strengthen the region's position as a leading international gateway and make it a more attractive place to visit or conduct business.

The Port Authority plans to spend $2.4 billion for already authorized or planned projects at its airports between now and 1991, the largest element of the total five-year capital program.

New Initiatives: JFK 2000, NIA 2000, LaGuardia Terminal

The Aviation Department's capital program recognizes that major investments in the bi-state airport complex have become essential to maintain the region's gateway position. John F. Kennedy International Airport serves as the primary international gateway facility; the JFK 2000 project will expand its passenger-handling capacity to accommodate projected demand to the end of the century and to enhance the airport's efficiency and passenger services.

Newark International Airport's expanding passenger demand now requires the improved on-airport circulation provided in the NIA 2000 project, as well as enhanced ground connections to its diversified regional passenger market. LaGuardia Airport, where expansion capacity is most constrained, requires modernization to maintain its vital role as a facility providing efficient and comprehensive domestic connections for the region's residents and visiting businesspeople from across the nation.

As annual passenger demand has burgeoned in recent years, the Port Authority and its airport tenants have made incremental facility improvements and have introduced new ground-access services. More extensive investments are required to support projected growth.

Intensive assessment of JFK's requirements and redevelopment options now is complete after in-depth analysis, and the capital program for the next five years includes commencement of major construction there, ultimately totaling an estimated $2.7 billion over the next eight years.

The proposed JFK 2000 project focuses on an extensive reconfiguration of the Central Terminal Area of the airport, where congestion hinders efficient movement of passengers "interlining" between connecting flights, in baggage handling, and in pick-up and drop-off of passengers to airline terminals. As other "gateway" airports have been developed or modernized in the United States and Europe, JFK's initially superior level of service has deteriorated measurably by comparison under the burden of passenger volumes twice the original design capacity.

The objective of JFK 2000 is to provide an effective solution to the circulation and service problem evident already and to sustain efficient and comfortable passenger services at the airport as demand grows from the present 30 million passengers per year to a projected level of 45 million by the end of the century. JFK 2000 is an integrated project that includes expansion of the International Arrivals Building and Federal Inspection (Customs) Hall, an automated baggage-handling system, a people-mover system linking the terminals to a central transportation center, a reconfigured roadway network and a new Federal Aviation Administration (FAA) control tower with improved sight lines to aircraft operations areas.

Plans call for construction to begin in 1987 and to continue into the Nineties. Interim circulation and baggage system improvements already are underway. The capital program calls for commitment by 1991 of $900 million of the estimated total project cost.

NIA 2000 expands upon the ongoing modernization already underway at Newark International Airport. Beyond the parking expansion and other improvements already authorized for NIA, Port Authority planners and professional consultants are completing assessments of design options for necessary circulation and landside access improvements at NIA. Annual passenger demand at the airport, now 29 million, is expected to increase to the same order of magnitude as forecast at JFK.

Necessary improvements will include new roadways, structural parking, and an on-airport "people mover" system. Improving off-airport connections for NIA's widely dispersed market requires a combination of strategies, most notably development of satellite terminals where suburban New Jersey users could park private cars and use scheduled vans or buses for the trip to or from the airport, upgrading of service from Newark Penn Station to the airport. The plan also includes funds to construct a direct link between the on-airport "people-mover" and the proposed transit line between downtown Newark and Elizabeth, now being studied by state and local officials and private interests. The capital program anticipates commitment of $650 million for these projects during the 1987-1991 forecast period, of a total estimated Newark 2000 cost of $1.35 billion.

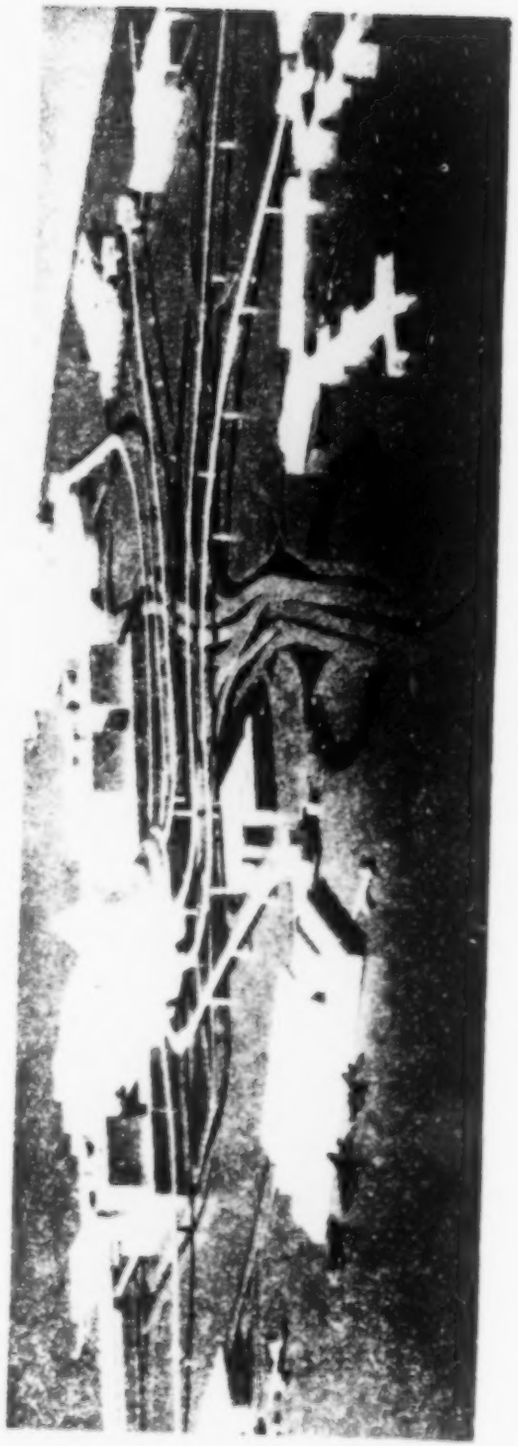
Projects at LaGuardia Airport will stretch passenger-handling capacity. The Port Authority plans to construct a new terminal and make airport highway access improvements at the east end of the airport. These planned projects will create two separate terminal areas, one at the existing Central Terminal complex and a second at the east end terminals. Each will be capable of handling 15

million passengers annually. The highway access project consist of a new overpass spanning the Grand Central Parkway that will permit entrance to the airport and lessen traffic congestion on the parkway. East-end improvements to LaGuardia Airport carry estimated project costs of $200 million: $170 million for the terminal and $30 million for highway improvements.

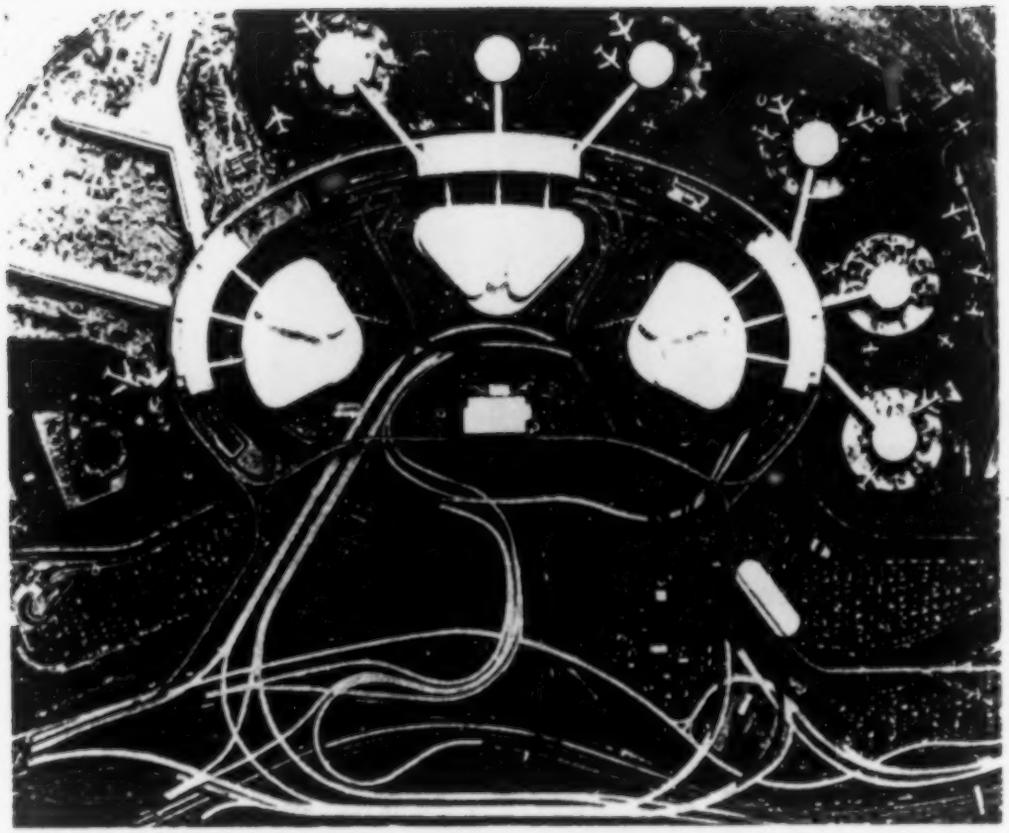
Passenger facilities in LaGuardia's Central Terminal area will be modernized as well, with added space provided for auto rental and baggage claim services. A direct entrance from the Grand Central Parkway to the parking garage will be built and the departure level roadway will be widened. Aircraft services will be improved through added aircraft parking areas, an additional overrun area at the end of runway 13-31 and a new localizer. Estimated costs for these projects are about $120 million.

Additional Airport Projects Slated

In addition to the proposed JFK 2000 program, NIA 2000 and new LaGuardia Terminal, the Aviation Department is undertaking a number of other projects at all three major airports and in the region's heliport system, an important commercial service to the region's businesses. These projects, some already authorized and others planned during the coming five years, are summarized below by facility.



Conceptual model of JFK 2000 shows "people mover" links connecting airline terminals with transportation center.



NIA on- and off-airport access improvements must reflect widely dispersed market served by this busy facility.

Improvements at **John F. Kennedy International Airport** are aimed at easing congestion on roadway approaches to the airport and at enhancing on-airport cargo facilities. The Port Authority is sharing in the costs of New York State's project to provide exclusive airport connections on the Nassau Expressway in the area of the 150th Street entrance to the airport. That entrance roadway is being redesigned to improve traffic flow in both directions between the Central Terminal Area and the Nassau Expressway/Southern State Parkway.

The agency is advancing some of the costs of converting airplane hangars to cargo facilities by airport tenants. It is also providing funds for the construction of a cargo building in the north cargo area and building a new taxiway in that area as well. A multi-tenant air cargo service, which will offer additional space for customs brokers and freight forwarders at the airport, is being established.

In addition, the Port Authority will take steps to improve terminal, runway and building conditions. Modifications will be made to the International Arrivals Building and passenger loading devices at IAB aircraft gates will be replaced. Restoration of runways is planned to maintain them at Federal Aviation Administration standards. Aircraft taxiways will be built, restored and extended to improve aircraft access to gates and runways. A computer center will be built to improve customs clearance and air cargo shipment procedures as part of the Air Cargo Fast Flow Program. The airport's central heating and refrigeration plant will be expanded and more efficient equipment installed. The Port Authority Police Emergency Garage will be expanded to handle more officers and equipment. Utility systems and other underground infrastructure will be replaced as needed. Projects

other than JFK 2000 already authorized or planned at this airport total approximately $330 million through 1991.

At **Newark International Airport,** in addition to the newly proposed landside circulation and access project, Terminal C will be completed by extending and upgrading aircraft fuel distribution systems, completing taxiways and building a courtyard area to accommodate ground transportation services. Also planned are an additional reduced rate auto parking lot and added exit lanes at existing lots. The agency will build two new facilities for maintenance equipment as well. NIA projects already authorized or planned equal approximately $210 million through 1991, exclusive of the newly proposed circulation and access improvements.

The agency will rehabilitate and reconstruct the **Downtown Manhattan Heliport,** north of the Staten Island Ferry Terminal, adding a new terminal building. Several projects will improve conditions in and around all three airports. The Port Authority, with support from the FAA's Noise Abatement Program, makes payments to school boards in communities adjacent to the airports for soundproofing selected schools in close proximity to them. Work has been authorized at 13 schools. Obsolete parking lot equipment will be replaced to improve revenue collection and a subsurface oil project will remove accumulated oil, eliminate fuel odors from certain parts of the airports and prevent underground migration of oil from storage areas.

C. PORT COMMERCE: THE COMPETITIVE CHALLENGE

The interregional competitive challenge that characterizes the aviation industry is already a reality facing the

region's still-vital maritime sector. Ocean cargo shipping and landside distribution are undergoing a technical, corporate, and regulatory revolution that puts an unprecedented premium on maintaining modern, flexible port terminal facilities and efficient landside truck and rail connections. The bi-state port's historic primacy as the nation's ocean gateway is under direct assault from Baltimore, Norfolk and other Atlantic coast ports to the south and as far north as Halifax, Canada, as public agencies in these regions make new investments in terminals and deepened channels with the aim of siphoning cargo that now is shipped through this port.

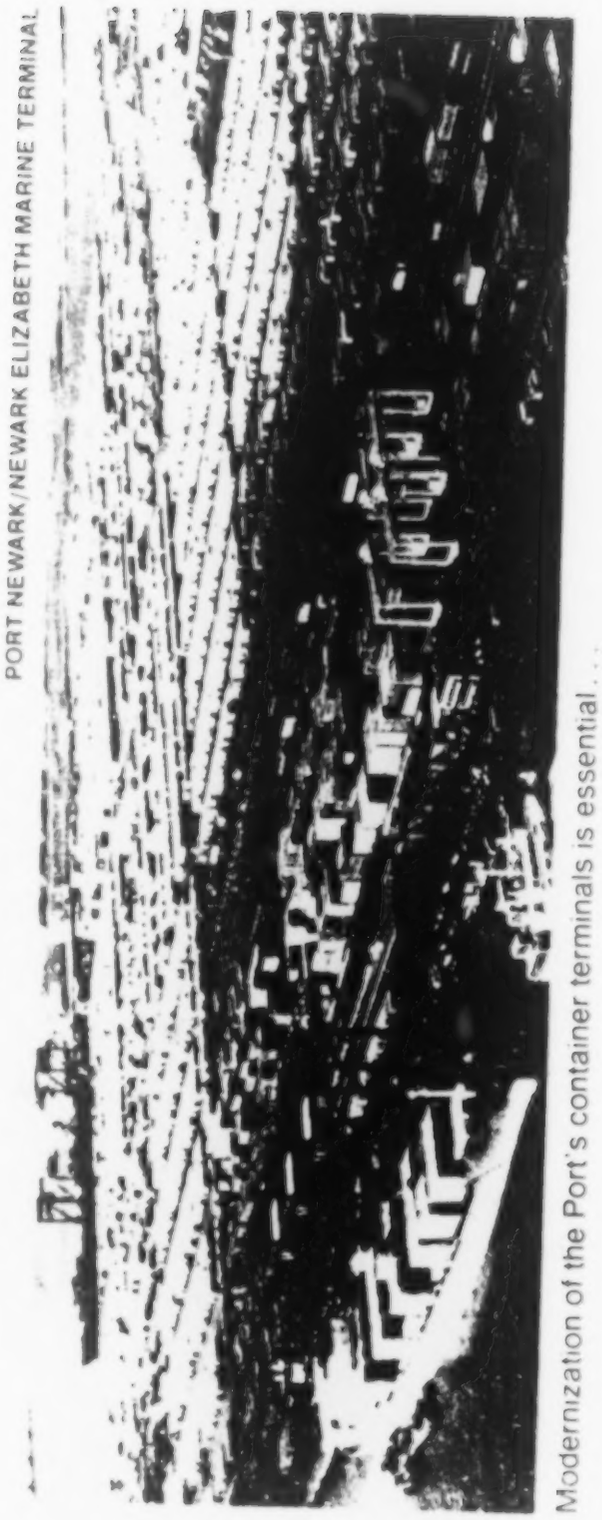
The cost, quality and accessibility of intermodal services within the Port District directly affect this port's share of North Atlantic trade. The Port Authority's primary mission in port commerce is to maintain and strengthen the position of the Port of New York and New Jersey as the leading "load center" in the North Atlantic region. Shipping lines increasingly are concentrating their operations by choosing a single harbor to serve continental markets where they traditionally have had multiple ports of call. The region must modernize its terminals, channels and intermodal facilities to accommodate a new generation of larger container ships. It must improve traffic (freight shipping) services and productivity to enhance its competitive position. It should also act to expand business and employment opportunities by developing innovative new projects that will provide jobs in port and port-related activities.

The bi-state working port, together with the concentration of maritime trade services that support it, make a substantial contribution to the region's economy. The industry generates (in 1984 dollars): $14 billion in economic activity; nearly 200,000 jobs; $4.2 billion in wages

and salaries; $2.3 billion in business income; and $400 million in state and city income and sales taxes. This represents 3 percent of gross regional product and 3 percent of regional employment. This impact spans many sectors of the regional economy. Cargo handling, freight forwarding, inland/ocean transportation, export-import wholesaling and distribution account for 54 percent of the total number of jobs. The rest are in sectors that serve the port industry, such as ship maintenance and repair and in other services used by maritime employers and this workforce.

The Port Authority plans to spend an estimated $510 million between 1987 and 1991 on port commerce projects. This work will be done at the agency's two major cargo handling facilities, Port Newark and the Elizabeth Port Authority Marine Terminal, as well as at the Howland Hook Marine Terminal on Staten Island, at the Port Authority Fishport in Brooklyn and at other facilities involved in port commerce. The agency has also budgeted capital funds for channel dredging, responding to a critical need in the bi-state harbor.

Dredging: The new generation of jumbo containerships requires deeper channel drafts than currently exist in New York Harbor and other port waterways. Channel deepening is a high priority if the port is to maintain its competitive edge over other ports and emerge as the primary North Atlantic load center. The Port Authority is working closely with the region's governments, the U.S. Army Corps of Engineers and maritime labor and industry associations to ensure timely action here to take advantage of the recent enactment of Federal legislation authorizing the resumption of harbor channel dredging. In anticipation of its enactment, the agency entered into an agreement with the Corps to help provide dredging of



PORT NEWARK/NEWARK ELIZABETH MARINE TERMINAL

Modernization of the Port's container terminals is essential...

NORTH ATLANTIC OCEANBORNE GENERAL CARGO TRADE (EXPORTS & IMPORTS) 1985 vs 1984 (Long Tons)

CUSTOMS DISTRICT	1985	1984	% CHANGE	% N.A. 1985	% N.A. 1984
1. New York	13,747,989	13,085,333	+ 5.1	46.0	45.5
2. Baltimore	5,086,629	5,246,674	− 3.1	17.0	18.2
3. Philadelphia	4,866,271	4,745,269	+ 2.5	16.3	16.5
4. Norfolk	3,700,920	3,122,908	+18.5	12.4	10.9
5. Bridgeport	1,190,990	1,376,069	−13.4	4.0	4.8
6. Boston	769,519	679,042	+13.3	2.6	2.4
7. Providence	317,045	318,322	− 0.4	1.0	1.1
8. Portland	197,435	180,701	+ 9.3	0.7	0.6
Total N.A.	29,876,799	28,754,318	+ 3.9	100.0	100.0

HOWLAND HOOK MARINE TERMINAL

to counter aggressive competition from other ports.

channels the berths serving Port Newark/Elizabeth and Howland Hook from 35-foot to 40-foot depths. The Port Authority anticipates an initial $61 million outlay for the Newark Bay/Kill Van Kull and Arthur Kill dredging projects.

At **Port Newark,** two existing distribution buildings are being converted into a plant for processing gypsum from a bulk commodity into sheetrock. The Port Authority will provide for the purchase of a hopper and a conveyor and the construction of a storage building for this project. The agency has also provided for the construction and the purchase of equipment for a new juice facility, the second at Port Newark. These facilities import bulk concentrate and process it into orange juice.

Also at Port Newark, a new office building whose main tenant will be the U.S. Customs Service will be constructed and existing facilities will be rehabilitated as structural integrity requirements dictate. Authorized and planned spending at Port Newark totals $70 million through 1991.

To accommodate the added cargo the larger ships can carry, additional upland space is needed. The Port Authority is constructing two cargo distribution buildings at the **Elizabeth Marine Terminal** and installing supporting utilities and paved areas. The Port Authority is interested in acquiring two parcels adjacent to the Elizabeth terminal and is discussing this possible acquisition with the city. Authorized and planned work at Port Elizabeth totals about $180 million through 1991.

Last year, the agency undertook renovation of the **Howland Hook Marine Terminal** to accommodate the

new larger containerships and expanded loads they carry. About $20 million already has been expended on this work, of a total investment originally estimated at $110 million, which the agency will reevaluate with the City of New York, the terminal's owner, in light of the recent announced reorganization of operations by the terminal's sole tenant.

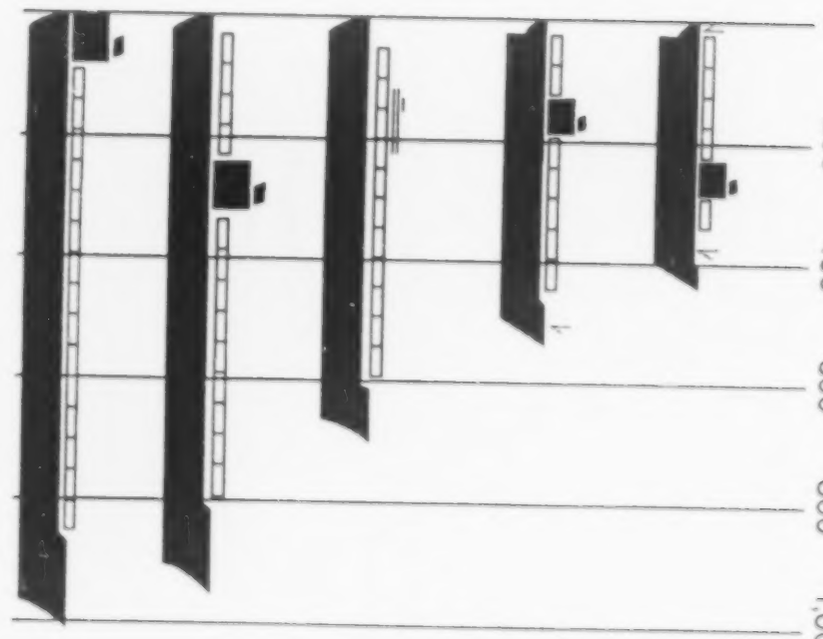
Fishport, the fish harvesting, processing and distribution center at Erie Basin in Brooklyn that will revitalize the Port District's fishing industry, already has five tenants with leases totaling nearly 180,000 square feet. Fishport is expected to generate regional sales of $130 million and annual payrolls of $23 million. It is expected to be in operation by early 1987. The agency is also engaged in waterfront cleanup in the Fishport area. The total cost of the Fishport project is about $30 million, including funds already spent. The Port Authority also has offered to support development of a fisheries, marine or port development project in New Jersey, as part of its Bistate Fisheries Development Program, subject to development of an economically viable project.

The construction of the **Oak Point Rail Link,** part of New York State's effort to improve rail freight service from Albany and the west to New York City, is being supported in part by a joint effort of the Port Authority and New York's Department of Transportation. The Port Authority is allocating $39 million towards this project.

The Port Authority has also committed funds in support of the Navy's planned establishment of a **Homeport** for a Surface Action Group at Stapleton on Staten Island. Navy homeporting is expected to bring additional ship

New York-New Jersey CHANNELS

Dredging to maintain and deepen harbor channels is needed to accomodate steadily increasing length and draft of modern containerships, which have doubled in size from the C-2 class of a generation ago to the Econship-class vessels already in use.



repair work to the port's remaining drydocks. The Port Authority's contribution is $15 million.

Importation of foreign automobiles to the U.S. currently is a growth area in the maritime trade. To maintain sufficient berthing and processing facilities for the thousands of imported cars entering through the Port, the agency will build a new discharge and processing facility on a 145-acre site at Port Jersey-Greenville Yards. Cost is an estimated $31 million.

The Port Authority has several additional port commerce project studies underway. The need for further improvements at the Red Hook Container Terminal is being evaluated. The agency is working with the New York State Department of Transportation on freight movement problems in Brooklyn, in the hope of improving truck access to and through the borough.

D. REGIONAL DEVELOPMENT

The fundamental goal of the Port Authority is sustaining and improving the region's economic performance through its system of transportation facilities and services. To help the region make the most of these transportation assets, the agency has focused increasingly on promoting international commerce and on strengthening the older communities in the region where most of the agency's facilities are located.

These concerns have grown into basic business areas for the agency in their own right. The World Trade Department not only operates the World Trade Center, a

regional focal point for international trade, but also provides other trade promotion and support services benefiting the bi-state business community. The Economic Development Department, supported by the Port Authority's overall resources, is pursing an innovative project agenda targeted to attracting new private investment and jobs to parts of the region that have not participated fully in the region's economic recovery.

The needs of commerce and the needs of the region's economically distressed communities come together in the extensive agenda of new development projects and other investments already authorized for both departments.

World Trade

In addition to operating the World Trade Center and providing trade support services, the World Trade Department is working to improve regional telecommunications capacity, which will enhance the metropolitan area's ability to compete with other international business centers. The agency will also use management expertise gained through its World Trade Center operations to support new business development in Newark.

The Port Authority's capital program for the years 1987-1991 includes more than $110 million for these "commercial infrastructure" projects. This work includes structural rehabilitation of parts of the World Trade Center complex; continued development of Teleport, a satellite communications center and office park on Staten

Island; and construction of the Newark Legal and Communications Center, and innovative condominium-style complex for Newark's legal community.

The first two buildings to be constructed at **Teleport** were completed in 1986. Antenna dishes which receive and send data transmitted via satellite are being installed in Teleport's enclosed earth station field. A fiber-optic cable network which connects Teleport with points in Manhattan, Brooklyn, Queens and New Jersey has been installed, and will be extended into additional areas during the next five years. The Telecenter Building has been leased and Teleport I is currently being marketed by Teleport Associates. Teleport marketing staff is actively pursuing other clients and negotiations with several are underway. Approximately $15 million in further capital investment is anticipated at Teleport through the five-year plan.

The Port Authority, with the city of Newark and the Newark Economic Development Corporation, has begun work on the **Newark Legal and Communications Center.** The facility had been designed especially for law firms, and will give them access to share computer data banks and other special legal services. The center will have a fiber-optic link to the Teleport. The first tenants are scheduled to occupy space in 1988. The estimated total project cost is approximately $50 million. The Port Authority will undertake rehabilitation projects in the **World Trade Center.** A fire safety project will include expansion of the center's alarm and communications systems, alterations in building core areas and further installation of sprinklers. The agency will also erect interior and exterior signs throughout the complex and build a

new entrance to the Cortlandt Street subway station. The agency is planning major rehabilitation of exterior walls of the World Trade Center and will be constructing new entrances and exits within the complex. Approximately $50 million is allocated for these projects in the next five years.

Economic Development: Expanding Opportunities for Growth

The Port Authority's Economic Development Department has the lead role for the agency in fostering new industrial and commercial development in some of the region's most distressed areas. Since 1978, the agency has worked with the governors and legislatures of both states to identify specific projects that harness the agency's capital capacity and business skills to bring new business and employment opportunities and commercial revitalization to the region.

The agency's capital program in Economic Development furthers these goals. It targets investments and the jobs they produce to areas in the region that have not participated fully in the region's overall economic recovery. The Port Authority operates three industrial parks, in The Bronx, Elizabeth and Yonkers, and recently authorized a fourth, in Newark. It is planning urban waterfront development in Hoboken, New Jersey and at Hunters Point in Queens. A proposed resource recovery plant for Essex County would be built in Newark under Port Authority auspices.

All of these projects are located within some of the region's chronically depressed communities. These areas

generally have lagged behind the region's impressive economic recovery and continued growth. They continued to lose residents and jobs long after the rest of the region began to recover, and began showing signs of modest economic growth beginning only in 1984. Nonetheless, the critical mass needed to nurture and sustain growth in these communities exists in their available labor force, their existing businesses, and in their public and non-profit institutions.

The Port Authority's **Bathgate Industrial Park** in The Bronx is emerging as a model of inner-city redevelopment through the cooperation of government, the community and the private sector. The four blocks of modern, single-story factory structures completed or under construction are designed for small, labor-intensive businesses that can draw on community residents for their workforces. All 12 blocks planned for the park will be completed by 1988, offering 600,000 square feet of industrial space that can support more than 1,500 jobs. Marketing staff within the Economic Development Department continue to identify potential tenants for the park and work closely with local organizations to make sure that the facility draws workers from the surrounding communities.

The **Port Authority Industrial Park at Elizabeth,** adjacent to the Port Authority's containerports at Port Newark and Elizabeth, has attracted its first tenant, which plans to occupy 66,000 square feet. Negotiations with several other tenants are nearing conclusion. Paving and utility work is under way on 86 acres of the 125-acre site. The site can accommodate as much as two million square feet of industrial space, sufficient to support 2,000 jobs.

Project initiatives such as the Newark Legal and Communication Center and Hunters Point waterfront development reflect goals of stimulating renewal in the region's urban core.

Project initiatives such as the Newark Legal and Communications Center and Hunters Point waterfront development reflect goals of stimulating renewal in the region's urban core.

A new **Industrial Park at Yonkers** is enabling the Port Authority to emphasize local economic development that relates directly to the agency's basic mission of maintaining transportation facilities at high levels of service. The Agency has leased part of the 21-acre site, acquired in 1985, to Nissho-Iwai American Corporation for a manufacturing and assembly plant for PATH cars being added to its fleet. This operation employs about 150 workers, many of them formerly unemployed Yonkers residents. Other buildings on the site house 13 local firms employing 300 workers. The 800,000 total square feet at the park are expected to support 2,000 jobs.

The new **South Ward Industrial Park,** undertaken in cooperation with the City of Newark and the Newark Economic Development Corporation, will apply many of the lessons learned at Bathgate to a community that has experienced problems similar to those of the South Bronx – but which also has many of the same strengths. Construction at the six-square-block site is expected to begin in 1988.

The Economic Development Department will continue to study other opportunities for industrial development in the region. During the next five years, it will focus on opportunities related to the Port Authority's other basic businesses – for example, airport-related industrial and commercial development – and on attraction of foreign investment to the region. Additional capital spending of about $75 million is estimated for the existing industrial parks beyond the approximately $35 million in P.A. funds committed at these sites before 1986.

A proposed **resource recovery plant in Newark** will offer an environmentally sound alternative to landfills now used to dispose of Essex County garbage. A private firm will design, construct and operate the facility, which will convert solid waste into thermal and electrical energy, then sell the electricity generated to local utilities. Work at the 25-acre site is scheduled to begin in 1987, and approximately $300 million is allocated towards construction of the project in the five-year plan.

The Port Authority received legislative authorization in 1984 to move forward with one project in each state to revitalize an underdeveloped urban waterfront district and, in cooperation with local governments in each state, is preparing master plans for the sites in Hoboken and the Hunters Point section of Queens. The agency would demolish existing structures where necessary and undertake site preparation projects such as paving and installation of connections for utilities. This preliminary work would set the stage for private sector investment in office, housing, retail and recreational development.

At **Hoboken,** professional planning and development consultants have prepared a preferred option development plan that calls for 1.4 million square feet of office space, 1,200 housing units, 150,000 square feet of shopping and recreation area in the first phase and the development of another million square feet of commercial office space in a second phase. Research and development space, a hotel, a marina and breakwater, a park and walkways and improved transportation access to the district are planned as well. The site is owned by the City of Hoboken and leased to the Port Authority.

Planning at **Hunters Point** is underway. Consultants have been hired to prepare a master plan, determine the best mix of uses for the site, prepare environmental impact statements and conduct site appraisal's. Conceptual development plans are being studied and land acquisition discussions are being held with owners of land to be part of the project. A preferred alternate master plan and two alternative options is also being prepared. The first site was purchased in September, 1985.

Between 1987 and 1991, the Port Authority plans to spend $175 million on these two projects out of a potential combined total agency investment of $250 million at these sites.

IV. OTHER COMMITMENTS

Other allocations in the five-year capital program include the balance of funds ($235 million) committed by resolution of the Board of Commissioners to support other regional development projects identified by the Governors of New York and New Jersey as making important contributions to regional development – for example, improvements of rail freight facilities in Bronx, and relocation of Conrail lines in New Jersey to facilitate development of the state's proposed waterfront light rail line. In addition, the five-year capital program allocates $150 million for regional development projects to be identified by the states in cooperation with the Port Authority.

Rounding out the overall $5.8 billion program is the remaining $50 million in the bus purchase program through which transit agencies in both states have made

substantial bus purchases, and a $70 million provision for emergency repairs as an agencywide reserve.

In addition to the capital program commitments, the Port Authority will advance approximately $400 million, at no cost to the agency, to the states over a ten-year period against future cash flows to the Fund for Regional Development. The Fund, established in the 1983 bi-state agreement, captures a portion of the revenues generated as the result of the moveout by New York State from offices in the World Trade Center. This money would be divided equally between both states, to fund specific capital projects identified by the states and authorized by the Port Authority.

V. EXPANDING ECONOMIC OPPORTUNITIES

The Port Authority is committed to carrying out its basic transportation and capital development responsibilities in ways that expand the opportunities available to residents of and businesses in the New York-New Jersey region – especially to those who have too long been left outside the mainstream of the metropolitan area's growing economy.

Most existing Port Authority facilities and the bulk of its proposed capital investments are concentrated in the region's relatively disadvantaged communities, and these new investments, coupled with generally rising patronage at its facilities, will create new economic opportunities for area residents and small businesses.

The PATH capital program, the JFK 2000 and NIA 2000 projects, and other investments planned in the

program will generate thousands of construction jobs, and the new and expanded facilities will accommodate many new permanent jobs as well. As reports recently published by the Port Authority have shown, these new jobs will be created against the backdrop of a regional labor market that is expected to become much tighter during the remainder of the decade as the rate of labor force growth declines.

A tighter labor market could present some problems – for example, possible shortages of skilled personnel in certain construction trades – but it could also provide even greater opportunities for employing disadvantaged residents of the region. The agency currently is analyzing the local labor market outlook for job categories related to its capital program. During the next five years, the Port Authority will continue its aggressive commitment to affirmative action and training, but it will also pursue innovative approaches to expanding the range of opportunities available to minority group members, women and unemployed community residents.

The capital program also can provide opportunities for economic development and job creation in some of the New York-New Jersey region's economically distressed communities. In implementing its capital programs, the Port Authority will make every effort to use its purchasing power to bring jobs to the region. Port Authority investments already have begun to generate these benefits – for example, through the establishment of a rail-car manufacturing plant in Yonkers to supply new cars for the PATH system, and by contracting for rehabilitation of

older PATH cars in Brooklyn. The Port Authority industrial park program and the Newark Legal and Communications Center project both include special efforts to reach out to local residents in filling jobs created by these projects. The agency will seek to develop other such opportunities where feasible for additional elements of the capital program during the next five years.

The Port Authority will also continue, through its operating, contracting, and procurement policies, to expand small business opportunities for minorities, women and others within the region. Several notable efforts are already underway. The Airport Services Development Office in Queens, which is funded by the Port Authority, has helped Queens firms obtain new contracts totalling $4 million to supply goods and services for the aviation industry. A similar program has been authorized based on Newark International Airport. Minority business development efforts by the Port Authority emphasize contracting with minority-owned architectural and engineering concerns as well as construction firms.

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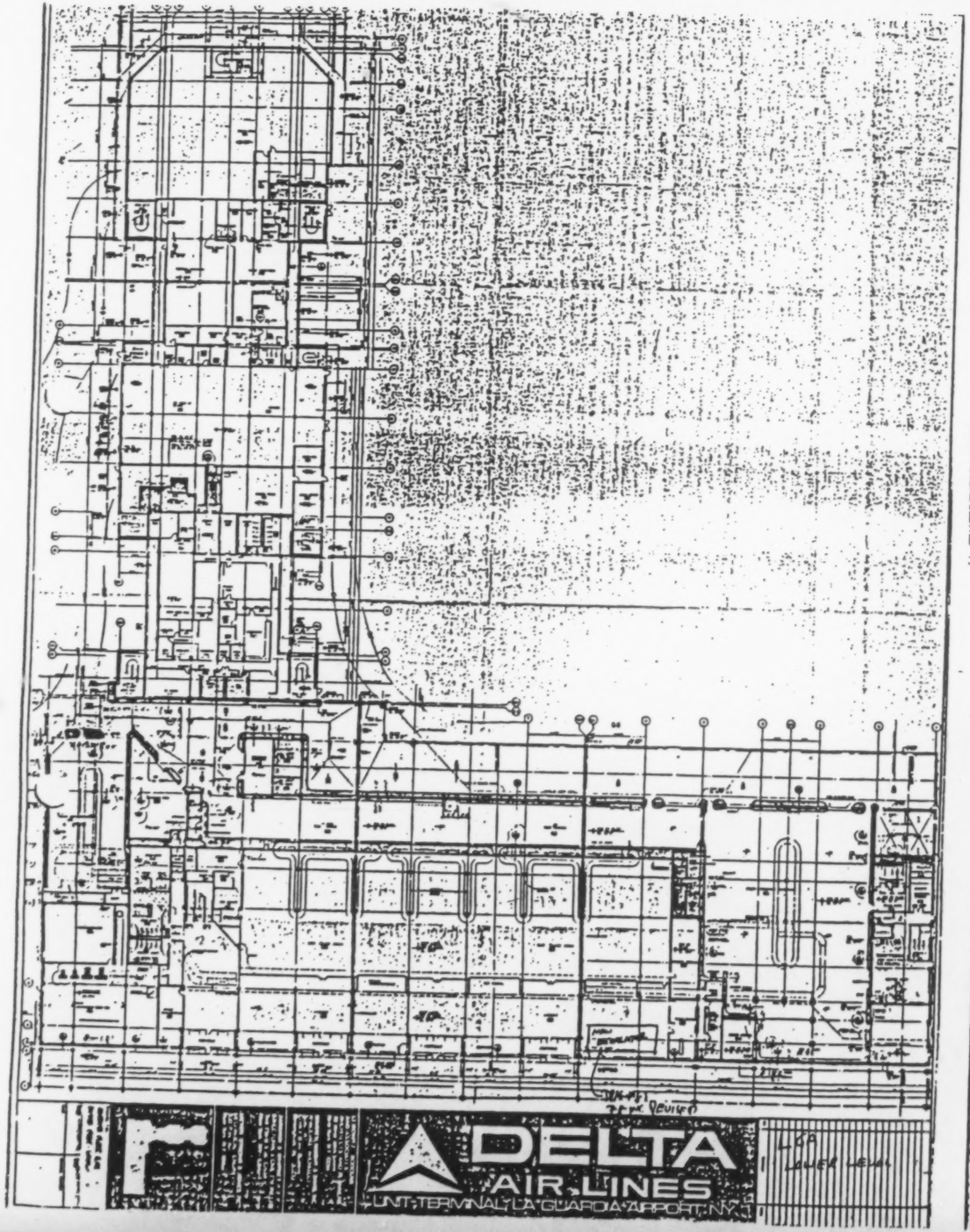
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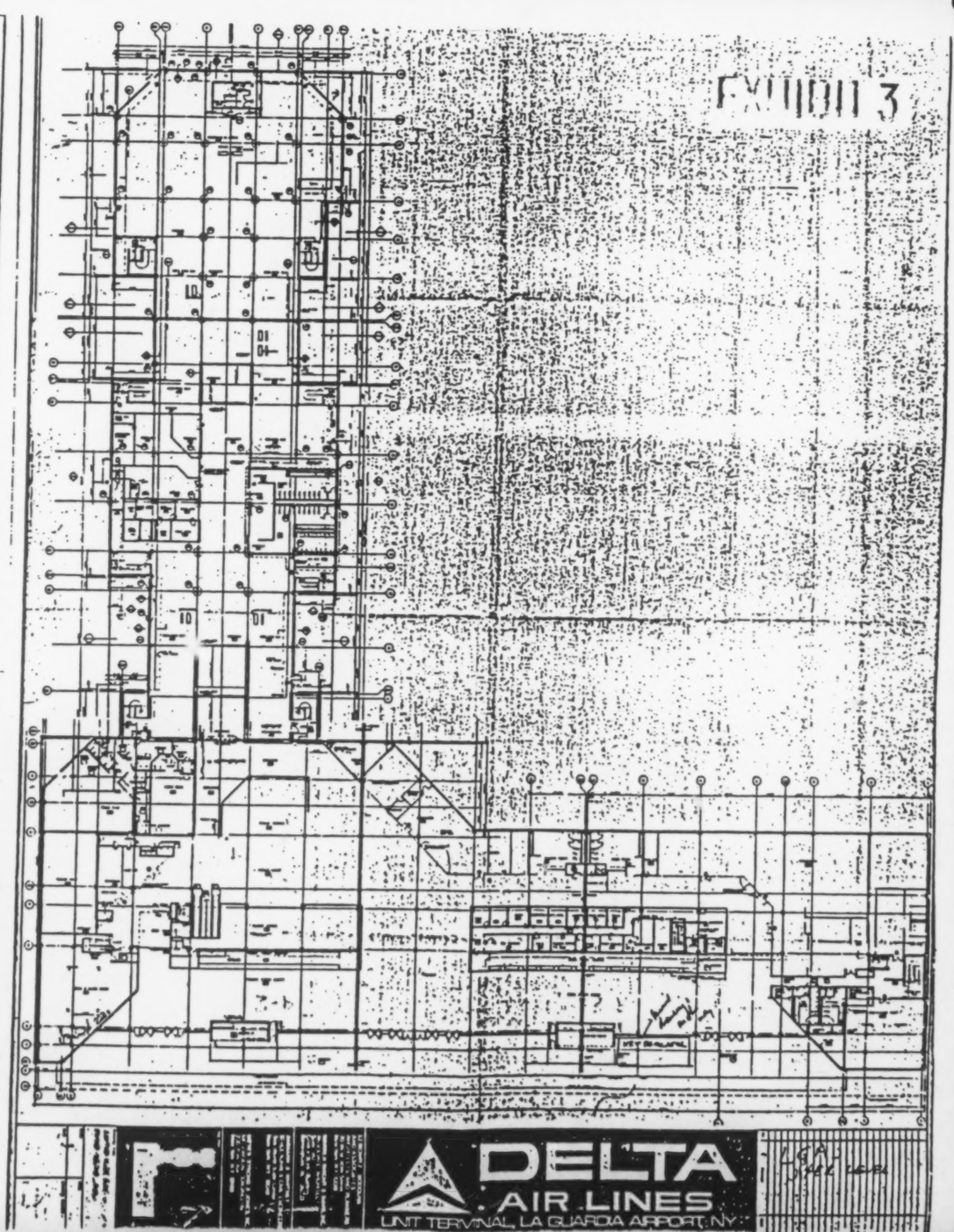
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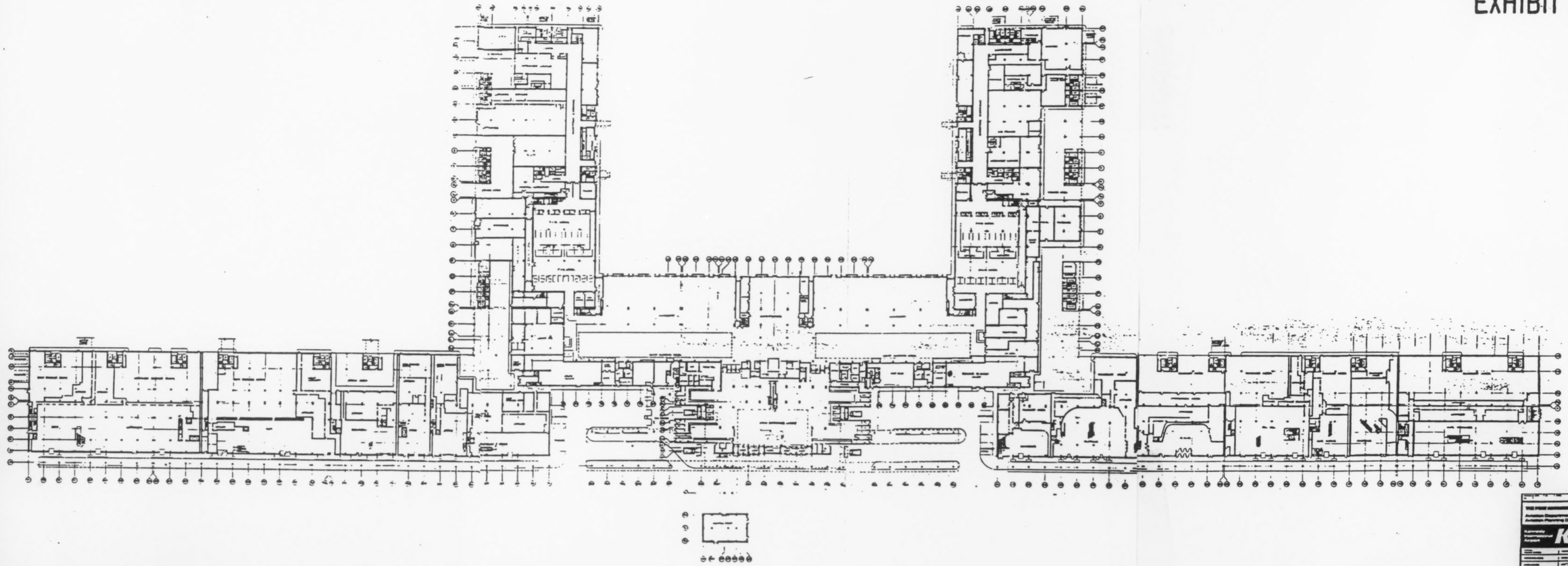
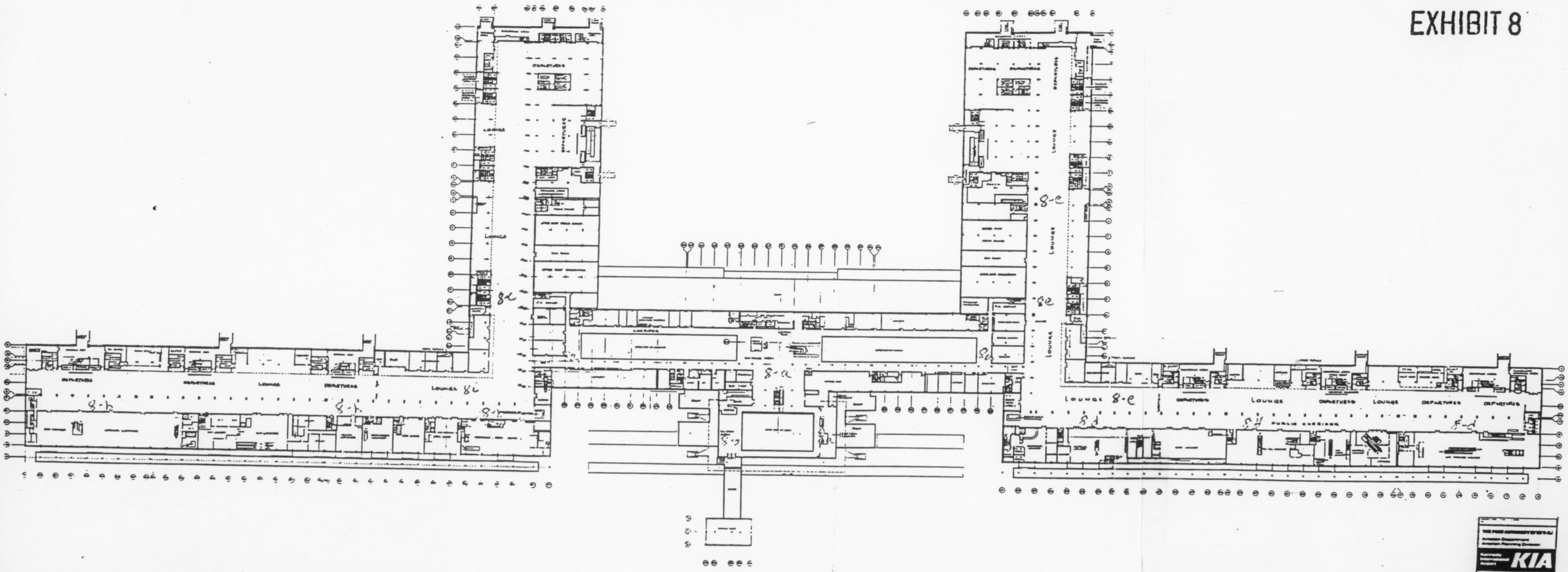


NOTE: SUBJECT TO FIELD VERIFICATION

KIA

FIRST FLOOR PLAN
LAB DISTRICT CONCEPT

EXHIBIT 8



NOTE: SUBJECT TO FIELD VERIFICATION

KIA

SECOND FLOOR PLAN
EXISTING CONDITIONS

EXHIBIT 16

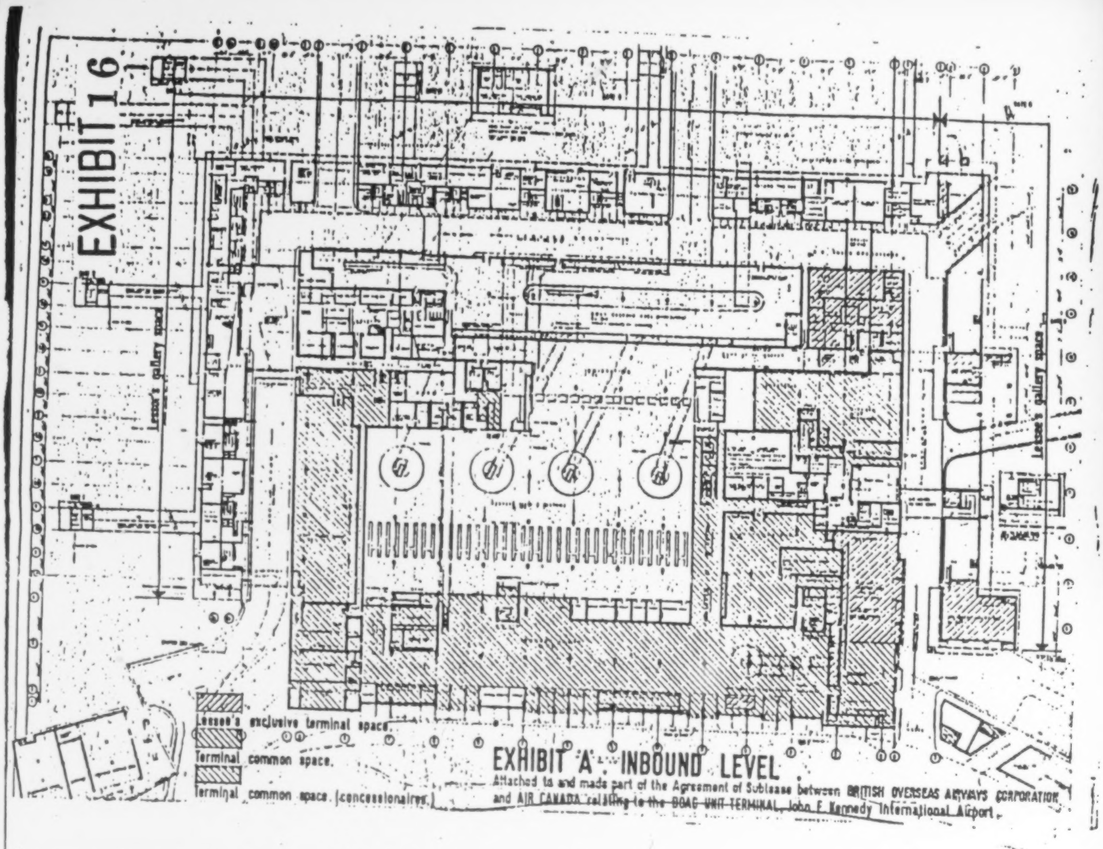


EXHIBIT 'A' INBOUND LEVEL

Attached to and made part of the Agreement of Sublease between BRITISH OVERSEAS AIRWAYS CORPORATION and AIR CANADA relating to the BOAC-UNIT-TERMINAL, John F. Kennedy International Airport.

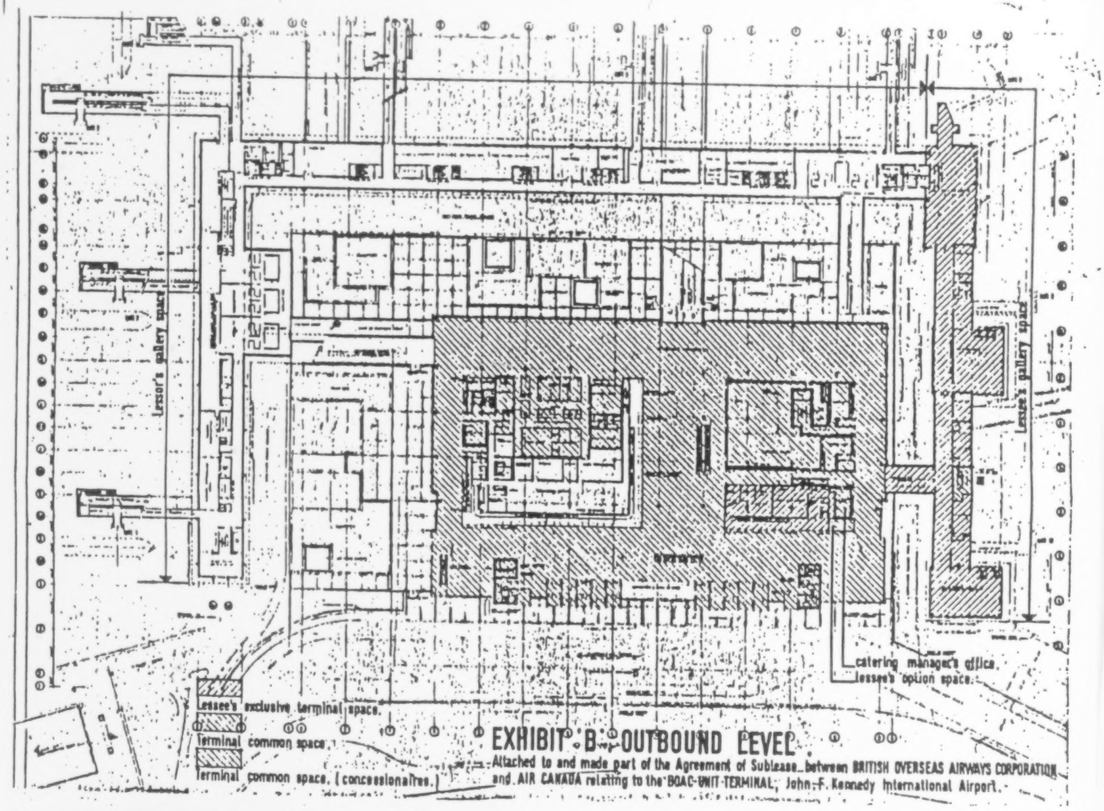


EXHIBIT 'B' OUTBOUND LEVEL

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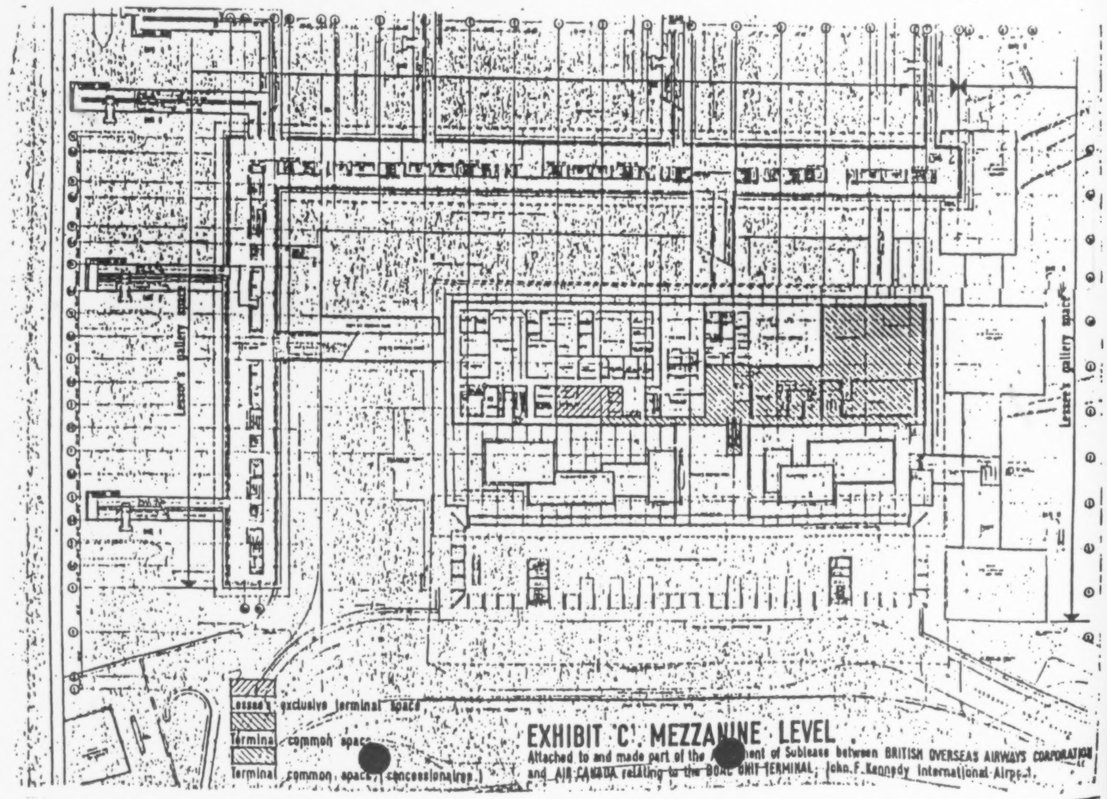
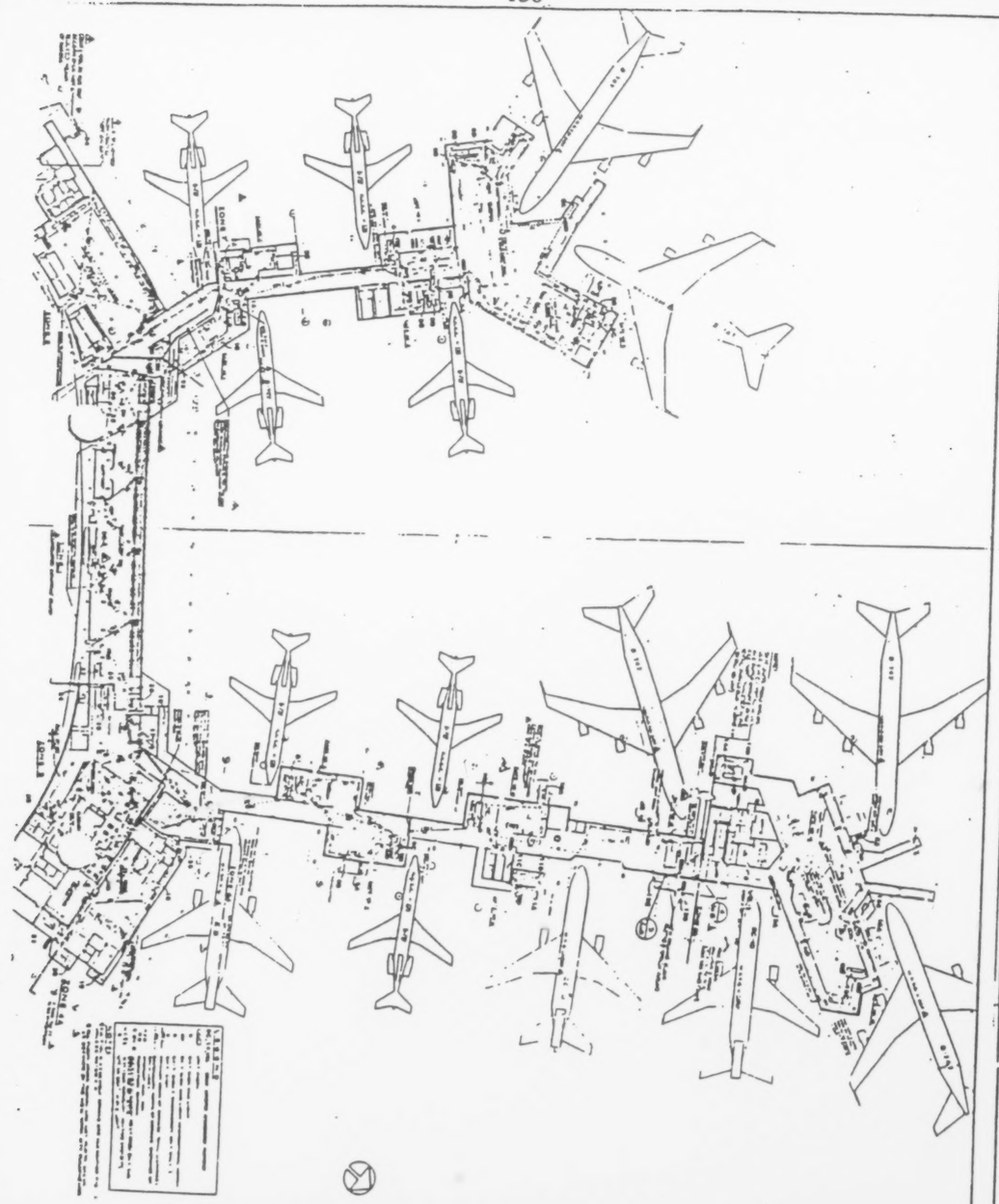


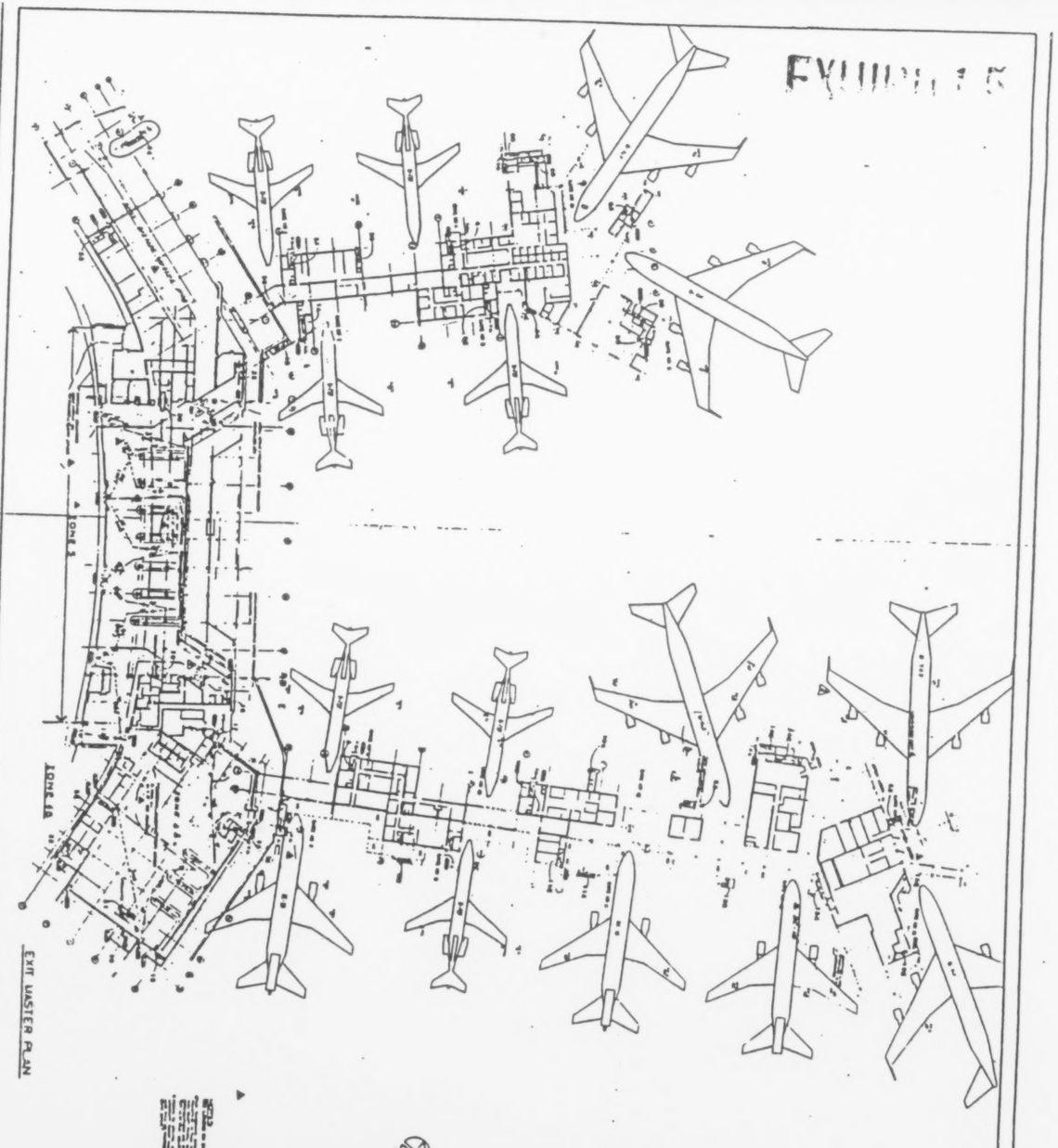
EXHIBIT 'C' MEZZANINE LEVEL

Attached to and made part of the [redacted]ment of Sublease between BRITISH OVERSEAS AIRWAYS CORPORATION and AIR CANADA relating to the BOAC UNIT-TERMINAL, John F. Kennedy International Airport.



LOCKWOOD GREENB

AA PASSENGER TERMINAL EXPANSION
EGRESS ANALYSIS
MAIN FLOOR PLAN



Ae 1

LOCKWOOD GREENB

AA PASSENGER TERMINAL EXPANSION
EGRESS ANALYSIS
GROUND FLOOR PLAN

(4)

4